

Proposed Changes
to the
Sheriffs' Coordinating
and
Training Council
(SCTC)

Submitted by
Dan Heythaler
Jamil Akhtar
Hugh MacDonald

Proposed Changes to the Sheriff's Coordinating and Training Council (SCTC)

Table of Contents

Pages 1-15 Senate Judiciary Committee Hearing; Written Testimony

Exhibit	Description
1	PA 121, 124, 125
2	MSA Letter Sept 23 2003 (direction to keep \$20 of book-in fee)
3	Reed letter, March 29 2004 (certification before collection)
4	Reed letter, Nov 16 2005 (reminder, certification before spending)
5	SAMPLE letter re: compliance/certification
6	Comply/Attempt to Comply: Lake, Ottawa, Sanilac, and Gratiot
7	FAQ "our secret"
8	Dept. of Treasury letter 2004-1
9	SCTC Minutes, December 15 2005
10	Ingham Co. Circuit Court Order (pay DSAM legal fees)
11	Court of Appeals Affirms Circuit Court
12	LCO Certification Training Summaries
13	SCTC Procedures, May 26 2005
14	Reed e-mail message, Responsibility given to Sheriff
15	Reed e-mail response, Determination left to Sheriff
16	In-Service Training Topics
17	MSA exclusive provider entry level testing, sole discretion of vendor selection
18	MSA Exec. Dir. Update, Testing Program
19	Training funds used to guard inmates picking up litter
20	Training Funds used for OT, implement Jail Management System
21	Book-In fee collection prior to SCTC Authorization
22	DSAM letter to SCTC Chair Oct 13 2008
23	Comparison, SCTC v. MCOLES

Senate Judiciary Committee Hearing November 3, 2010

Remarks by

Dan Heythaler, Legislative Committee Chair – Deputy Sheriff's Association of Michigan
Jamil Akhtar, Esq., Past President/Attorney, Deputy Sheriff's Association of Michigan
Hugh MacDonald, former Director of Accounting for Wayne County

DEPUTY SHERIFF'S ASSOCIATION OF MICHIGAN (DSAM) COMMENTS AND SUPPORT OF SENATE BILLS 1042, 1043, and 1044

Background

In 2003, through leadership in the House and Senate, the Legislature passed Public Acts 121, 124, and 125 of 2003, which the Michigan Court of Appeals held was "clear and unambiguous" language, that mandated improvements in the training and education of Local Corrections Officers and provided for the creation of the Sheriffs' Coordinating and Training Council (Council); the Local Corrections Officer Advisory Board and the creation of the Local Corrections Officer Training Fund in the Department of Treasury. (*Exhibit 1: Public Acts 121, 124, 125*)

The legislation was unanimously supported in committee and the bills were passed in each chamber, in the House with 103 votes and in the Senate with 37 votes. Governor Granholm signed the bills into law on July 31, 2003.

Section 3 of PA 125 created the Council as "an autonomous entity in the Department of Corrections." The Department has no fiscal or programmatic responsibility or liability for any of the Council's duties.

The Council is comprised of five representatives selected by the Michigan Sheriffs' Association (MSA) and two representatives selected by the Deputy Sheriff's Association of Michigan (DSAM).

To pay for the state mandated training, the Acts created a \$12 book-in fee that is paid by each person who is processed into a county jail. The Public Acts provide sheriffs and counties with one of two options to select a method to fund the mandated training: 1) a sheriff/county could remit the entire \$12 book-in fee to the state training fund and then be eligible for Sheriffs' Coordinating and Training Council funds; or 2) a sheriff/county could retain \$10 of the \$12 book-in fee and remit \$2 to the state *if* the county meets or exceeds the training standards for its Local Corrections Officers as established by the Sheriffs' Coordinating and Training Council.

Counties that choose option 2 are ineligible to receive funding from the Council. Section 15 of PA 125 clearly states, "Only those counties that remit 100% of the fee are eligible for grants."

At the direction of the MSA, its executive director authored a letter to all sheriffs dated September 23, 2003 which directed each of them to keep the \$10 portion of the book-in fee and remit \$2 to the state training fund but suspiciously omitted the statutory requirement that before a sheriff and county can retain \$10 of the \$12 book-in fee he/she must first be certified by the Council (*Exhibit 2*). Notably, most sheriffs and counties kept the \$10 portion before being certified by the Council. (More information will follow on this topic).

All 81 sheriffs who operate a county jail complied with the letter, which rendered each county ineligible for Council funds.¹ The letter also provided notice that the MSA was forming an "Implementation Committee" "to begin the overview of the process," even though the Sheriffs' Coordinating and Training Council had not yet been formed or even seated.

In addition, several organizations have a role in Council decisions. In addition to DSAM, these groups include the Michigan Fraternal Order of Police, the Police Officers Association of Michigan, and the Michigan Association of Counties. None of these groups were notified of the formation of an "Implementation Committee." In fact, DSAM discovered MSA's plan to create an "Implementation Committee" through a FOIA request in 2007. From the onset the MSA, a registered lobbying agent, took control of the process and the Sheriff's Coordinating and Training Council.² The door was closed to other organizations that are stakeholders in the process.

The Council was seated on January 6, 2004. Under Public Acts 124 and 125 the Legislature required county sheriffs to meet or exceed training standards established by the Council and receive Council certification in order to be eligible to retain the \$10 portion of the book-in fee. The Council – the alter ego of the MSA – circumvented the Legislature's intent when they instituted their certification procedure. The Council Executive Secretary, a previous employee of the MSA, sent a letter to each sheriff advising that, as long as they submitted a letter to the Council promising to meet or exceed the Council's minimum training standards, they would be "certified" and allowed to keep \$10 of the \$12 book-in fee. (*Exhibit 3*)

In fact, sheriffs who were slow to respond to this letter were sent an additional letter dated November 16, 2005 from Mr. Reed pressing them to become certified by the Council. He explained that "certification must be received prior to your county spending any of the booking fees collected. It is also a requirement before your county can request any training funds from the Council." (*Exhibit 4*) This is a false statement because, again, Section 15 of PA 125 clearly states, "Only those counties that remit 100% of the fee are eligible for grants." In addition, Mr. Reed enclosed a sample letter, which was

¹ Luce and Oscoda Counties do not operate county jails.

² Michigan Secretary of State records show that the Michigan Sheriff's Association became a registered lobbying agent on December 21, 1983 and terminated its lobbying status on January 1, 2009. The "Michigan Sheriff's Association" is only an assumed name. The entity's actual legal name is the "Michigan Sheriff's Association Education Services, Inc.," which has a 501(c)(3) tax status

one sentence, for sheriffs to become certified. (*Exhibit 5*)

All 81 sheriffs who operate a local county jail responded, most with a one sentence letter, stating they would comply. Based upon a single sentence promising to comply, and some sheriffs stating it was only their intent to comply, and one sheriff who stated he would not comply, the Council certified all 81 counties. (*Exhibit 6*)

The MSA/Council did not require any sheriff to submit action plans to show how they would comply, and did not require the sheriffs to prove they had the resources, training personnel, facilities, proper equipment, equipment that met OSHA standards, that would enable them to comply with the requirement to "meet or exceed" the MSA/Council's training standards. The MSA/Council has never implemented an audit procedure to ensure compliance with their requirements.

For one to appreciate the effect of the executive director's letter, one must fully examine its contents. In the second paragraph, the MSA unilaterally changed the statutory name of the Sheriffs' Coordinating and Training Council by adding "Michigan" to their title, and the Council followed the directive.

Enclosed with the executive director's letter was a question and answer form that demonstrated MSA's view on expenditure of training funds (*Exhibit 7*). Notice that the MSA refers to the Michigan Legislature's preference that training funds should be immediately expended on inmate mental health programs as "our secret." From whom was this to be kept a secret and why?

The scourge of substance abuse and the behavioral problems associated with mental illness in our society has kept crime rates high, and our jails and prisons full. To DSAM's knowledge there is but one county sheriff that has used book-in fee funds for mental health programs. It is still the MSA's "secret" as to why.

On January 21, 2004 the Michigan Department of Treasury published a memo (2004-1) and a follow-up memo dated February 12, 2004 for all county sheriffs, administrators and treasurers. These memos provide guidance in creating a separate special revenue fund to house the book-in fee monies, management and maintenance of the fund, and how the money can be spent. Neither the executive director of the MSA nor the Council chose to correct or amend their previous letters to conform to memo (2004-1). (*Exhibit 8*) Based upon the material we received in our Freedom of Information Act (FOIA) requests, it is our opinion that only a limited number of counties have complied with the Treasury memo/guidelines.

As a further example of the MSA/Council's nonfeasance, during the seven years of the Council's existence, it has refused to adopt an annual budget. This process of adopting an annual budget is mandatory for all state agencies and is mandated by Act 2, PA 1968/Uniform Budget and Accounting Act as amended.

In September 2005, the MSA/Council authorized \$300,000 in state training funds to county sheriff's departments. However, no sheriff's departments in Michigan were eligible to receive funds because they had already kept \$10 of the \$12 book-in fee.

At a December 15, 2005 Council meeting, representatives of DSAM introduced a letter from independent legal counsel which states that the Council cannot direct funds to county sheriffs unless they remit 100% of the book-in fee to the state. The letter also addressed the Council's lack of compliance with the Open Meetings Act. The letter was disregarded by the MSA representatives on the Council. Nothing was done and the grant application process continued. The meeting minutes do not reflect the letter was ever presented nor do the minutes report any discussion about it (*Exhibit 9-Council meeting minutes*).

On March 16, 2006 DSAM filed a lawsuit in Ingham County Circuit Court against the Sheriffs' Coordinating and Training Council alleging misuse of the book-in fee funds, and that the Council was in violation of the Open Meetings Act for never publicly posting any of its meetings pursuant to the mandate under PA 125 of 2003, which incorporates the Open Meetings Act. (*DSAM v. State of Michigan and Sheriffs' Coordinating and Training Council*).

The case was decided in DSAM's favor. The Court placed a permanent injunction against the Council, and by extension the MSA, stopping the misuse of state training funds. The court also found the Council in violation of the Open Meetings Act and ordered it to post public meeting notices. The Court also ordered the Council to pay DSAM's legal fees. (*Exhibit 10*)

Amazingly, the Council disobeyed the court order and continued to violate the Open Meetings Act and Public Act 125 of 2003 by failing to post public meetings notices. On August 17, 2007, DSAM filed yet another lawsuit to compel compliance with the court order.

On September 29, 2008, DSAM settled the lawsuit out of court with the Council. The Council agreed to pay DSAM's legal fees and finally comply with the law.

Sadly enough, the Council used state training funds derived from the \$12 book-in fees to pay DSAM's legal fees. It is our belief that the Legislature did not intend for state training funds to be used in this manner.

On February 22, 2007, the MSA/Council voted to appeal the Circuit Court decision. All five MSA representatives voted to pursue an appeal while the two DSAM representatives voted against it. Attorney General Mike Cox agreed to pursue an appeal on behalf of the MSA and Council.

The Michigan Court of Appeals unanimously rejected the appeal brought by Attorney General Cox and the MSA/Council, and sided with the lower court decision in favor of DSAM. The Court of Appeals found the Council in violation of Public Acts 124 and 125

by attempting to divert training funds derived from book-in fees to county sheriffs that had failed to remit 100% (\$12) of the book-in fees. (*Exhibit 11*)

The clear intent of the MSA letter dated September 23, 2003, and a full examination of the exhibits cited in our testimony, demonstrates that the MSA – and by extension the Council – viewed the state training funds derived from the book-in fees as its own personal slush fund.

TRAINING CERTIFICATION REQUIREMENTS IGNORED BY MSA AND ITS APPOINTEES TO THE COUNCIL

Local Correction Officer training records compiled by the MSA/Council's executive secretary show that, five years after the implementation of the Acts and five years after the sheriffs and counties promised they would meet or exceed the minimum training standards, many of the sheriffs across the State of Michigan have not complied with the training requirements as set forth in the Acts. (*Exhibit 12*)

At its May 26, 2005 meeting the MSA/Council adopted a set of "General Rules." These so-called General Rules became known as "Procedures" after the Court held that the Council was not subject to the Administrative Procedures Act. The Procedures were redistributed at a January 23, 2009 MSA/Council meeting. Note that Procedure #13 states; "it will be the responsibility of the sheriff to determine if correction training programs and inmate programs meet the standards of the Act (Sec. 5 b of 1846 RS 171, MCL801.5b) when utilizing inmate booking fees. The exception to this rule will be formally convened correctional training academies where variances from the MSA/Council standards will have to be approved prior to the running of the academy." (*Exhibit 13*)

This "Don't call us and we won't call you" procedure has allowed the fox to guard the hen house. There is no oversight over corrections training money at the local level. The MSA/Council refuses to audit both the local training monies and sheriff's training programs to assure compliance with the Act. There are no checks and balances.

This procedure produces 81 different interpretations on how local corrections training monies can be spent. One jail administrator was questioned by her County Finance Director as to the legality of charging overtime to the booking fee fund. When she communicated this question to Council Executive Secretary and C.E.O. James Reed, she received his opinion on how the money can be spent, but, at the same time, Mr. Reed stated; "The bottom line, however, is that the Council has given the final responsibility of that decision process to the Sheriff not the Finance Director". (*Exhibit 14*)

In another instance, a jail administrator questioned Mr. Reed as to why he and another command officer were listed as Local Corrections Officers because "Carl and I are command officers and carry "exempt employee status" under the Fair Labor Standards Act. We are prohibited by Federal Employment Law from doing the Corrections Officers

job and therefore, do not participate in their training". Mr. Reed responded by removing their names from the Corrections Officers roster and stating; **"The Council has left that determination to each sheriff".** (*Exhibit 15*)

A legitimate question that demands an answer is, "What are sheriffs spending their local corrections officers training money on?" Please consider that a MSA representative and Vice Chair of the MSA/Council boldly stated during a MSA/Council meeting, that no one is going to tell me how to spend "my money."

COUNCIL FALLS SHORT ON STANDARDIZED TRAINING

An essential component of the Sheriffs' Coordinating and Training Council enabling Legislation was to ensure that programs were in place to address inmate mental health and substance abuse issues. Training for Corrections Officers to assure their ability to recognize and respond to inmate mental health issues is equally critical. While a skeleton proposal for In-Service Recertification Training (*Exhibit 16*) has been circulated, there is no actual meat on the bones that would constitute an established Recertification curriculum. The MSA/Council has adopted generic topics of training (i.e., P.B.T.s, Gangs, Firearms, Chemical Agents, Electronic Control Devices, etc.) The MSA and its Council refuse to adopt standardized curricula and material which would allow for uniformity in teaching these classes.

Further, the MSA/Council's proposed In-Service Recertification Training outline allows each Sheriff in all 81 counties to choose from among various topics, without providing guidelines as to a robust and standardized training program. Section 8 (d) of P.A. 125 states that "the council shall approve minimum standards and requirements for local corrections officers with respect to the course content of the vocational certificate program, the central training academy, and continuing training programs. The course content shall include education and training on how to identify and manage prisoners with a mental illness." An *a la carte* approach to training programs that are vital to the health and safety of both officers and inmates is hardly the essential training and recertification our officers and the inmates deserve.

CONFLICT OF INTEREST

This Council, a **state agency**, is nothing more than the alter ego of the Michigan Sheriffs' Association, a registered lobbying agent. Consider the record:

- The Council uses the MSA's logo as its own
- Changed its statutory name by adding "Michigan" to Sheriffs' Coordinating and Training Council
- The MSA auditing firm set up the original account for book-in fee money deposited by the State Treasury
- The MSA firm continues to audit state Council books
- There has never been a financial audit of the Local Corrections Officer Training Fund at the State Treasury

- Over the past six years the Council has paid the MSA tens of thousands of dollars on:
 - Rent for office space at a building which is owned and operated by the MSA, a registered lobbying agent
 - Accounting services paid to the same accountant used by the MSA
 - Payments for use of MSA's telephone system and e-mail system (jreed@michigansheriff.com)
 - Reimbursements for routine purchases using MSA's credit card
 - Use of MSA's clerical staff
 - MSA extends credit to the Council for equipment purchases; as recently as January 2009 for a computer purchase

Nowhere else in the State of Michigan will you find a governmental agency housed in the offices of a registered lobbyist. This is a dream come true for the Michigan Sheriffs' Association, being partially funded by the State of Michigan and controlling all aspects of a state agency. Indeed, this is the proverbial case of the fox guarding the henhouse. A conflict of interest has persisted as the MSA and the Council are actually one organization.

THE MSA STRUCK GOLD IN LOCAL CORRECTIONS TRAINING

The Sheriffs' Coordinating and Training Council presently has before it a proposal by its alter ego, Michigan Sheriffs' Association, that the Michigan Sheriffs' Association shall be the exclusive provider of entry level testing for Local Corrections Officers. (*Exhibit 17*)

Pre-Service applicants will have to pay a fee to the MSA to take the pre-employment test to become Local Corrections Officers in Sheriff Departments. Note that page one of *Exhibit 17* states "Any vendor selected will be at the sole discretion of the Michigan Sheriffs' Association." The test is only good for one year and, therefore, at the expiration of that year, a candidate will have to test again, and again, and again, and continue to pay the fee.

The pre-employment test is ready to begin as announced by the Executive Director of the Michigan Sheriffs' Association on page 2 of his update. (*Exhibit 18*) The Executive Director purports this test to be free for sheriffs but not the regional academies. The test is actually a fund-raiser for the MSA because it retains \$4 for every test taken.

This test, never reviewed nor recommended for use by the Local Corrections Officer Advisory Board, and not approved by the Sheriffs' Coordinating and Training Council, has been marketed to regional Local Corrections Officer Academies. Thirteen regional academies and approximately 40 sheriffs have agreed to use the test. Under Sections 8 and 9 of PA 125, it is clear that the statutory duty and responsibility to approve this pre-employment test lies with the Council – but only after the Local Corrections Officers Advisory Board develops and recommends the test to the Council.

MISUSE OF BOOK-IN FEE FUNDS

Section 4b. (5) (b) of Public Act 124 clearly states the following: "The remaining \$10 of each fee shall be retained in that county, to be used only for costs relating to the continuing education, certification, recertification, and training of local corrections officers and inmate programs including substance abuse and mental health programs in that county. However, revenue from the fees shall not be used to supplant current spending by the county for continuing education, certification, recertification, and training of local corrections officers."

Section 2 (e) of Public Act 125 defines a "Local Corrections Officer" as "any person employed by a county sheriff in a local correctional facility as a corrections officer or that person's supervisor or administrator."

Over the past two years DSAM members have spent thousands of dollars and hundreds of hours submitting Freedom of Information Act (FOIA) requests to county sheriffs and analyzing the returned documents in an effort to assess the effectiveness of training programs under the oversight of the MSA/Council. Five lawsuits were necessary to obtain full responses to our requests. Our review of invoices, checks, e-mails, and hundreds of pages of documents received from many of the sheriff's departments as a result of our FOIA requests revealed numerous abuses. Local training funds generated by book-in fee dollars were used to pay for the following inappropriate expenditures:

County A

- Sheriff A, a representative on the Council, paid his membership dues to the Michigan Sheriffs' Association in excess of \$3,000
- Sheriff A used local training funds to pay for his trip to Mackinac Island (meals and lodging \$1,075.82)
- Sheriff A used local training funds to send officers to DARE school
- Sheriff A purchased replacement x-ray equipment and x-ray supplies
- Sheriff A purchased a prisoner transfer van to take inmates to and from the county jail and courthouse and other prisoner appointments
- Sheriff A spent more than \$120,634 through May 2008 to pay for an electronic round verification system within the jail. This device is used to verify that local corrections officers made their rounds in the jail
- Sheriff A paid over \$97,000 through May 2008 to purchase a computerized training program for corrections officers, law enforcement officers, and other county employees
- Sheriff A used book-in fee funds to send his senior command staff to quarterly MSA meetings
- After DSAM sued the Council, Sheriff A refused to allow DSAM members who were appointed to the Local Corrections Officers Advisory Board, from his department, to be released from work to attend the meetings of the Board after he had agreed to do so in writing

- Sheriff A and the County kept \$10 of each book-in fee for 236 days before being certified to do so by the Sheriff's Coordinating and Training Council. This is money owed to the State.
- Sheriff A uses book-in fee funds to clean highways (*Exhibit 19*)

Sheriff B

- Sheriff B spent over \$30,000 in weight-lifting equipment for a work-out room for the members of the sheriffs' department
- Sheriff B spent over \$200,000 of book-in fee money to pay for overtime related to the implementation of a jail management system (*Exhibit 20*)
- Sheriff B and county kept \$10 of each book-in fee for 321 days before being certified by the Council to do so, this is money owed to the State

Sheriff C

- Sheriff C used book-in fee funds to personally travel to several conferences including the American Jail Association in Nashville, TN and expensed thousands of dollars on airfare, hotel rooms, food, and beverage
- Sheriff C used book-in fee funds to pay for deputy membership in a local sportsmen club
- Sheriff C and the County kept \$10 of each book-in fee 294 days before being certified to do so by the Sheriffs' Coordinating and Training Council, this is money owed to the State
- After DSAM sued the Council, Sheriff C refused to allow DSAM members who were appointed to the Sheriffs' Coordinating and Training Council, from his department, to be released from work to attend the quarterly meetings of the Council after he had agreed to do so in writing

Sheriff D

- Sheriff D, who is a member of the Sheriffs' Coordinating and Training Council, spent book-in fee money to pay his way to a Michigan Sheriffs' Association conference
- Sheriff D and the County kept \$10 of each book-in fee 18 days before being certified to do so by the Sheriffs' Coordinating and Training Council, this is money owed to the State

Sheriff E

- Sheriff E, who is a member of the Sheriffs' Coordinating and Training Council, transferred local corrections officer training funds totaling \$111,650 from 2004 to 2010 to the county general fund in order to balance his budget

- Sheriff E used \$6,028 of local corrections officer training money to send a corrections officer to the basic police officer certification academy and transferred the officer to road patrol duties
- Sheriff E and the County kept \$10 of each book-in fee 109 days before being certified to do so by the Sheriffs' Coordinating and Training Council, this is money owed to the State

Sheriff F

- The Michigan Department of Treasury required that all counties maintain auditable records as to the booking fees and how a county spends the funds. Sheriff F, a past president of the Michigan Sheriffs' Association and former member of the Sheriffs' Coordinating and Training Council, set up his own checking account and did not deposit the booking fee money with the county. (again, see *Exhibit 8: Treasury memo 2004-1*)
- Sheriff F and the County also kept \$10 of each book-in fee 260 days before being certified to do so by the Sheriff's Coordinating and Training Council, this is money owed to the State

Sheriff G

- Sheriff G, a member of the Sheriffs' Coordinating and Training Council, has never complied with the state mandated annual in-service re-certification standard for his Local Corrections Officers as required by P.A. 125 and Council procedure #7. The Council reports the following;

Number of Officers	% Completed In-Service Requirements
2005 - 218	0.9%
2006 - 218	3.7%
2007 - 232	8.2%
2008 - No records available	
2009 - 142	8.1%

Source Exhibit 12

- Sheriff G and County were ordered by a Lansing Circuit Court Judge to pay DSAM's legal fees stemming from a lawsuit over FOIA requests regarding book-in expenditures. The Sheriff and county initially refused to provide the information requested by DSAM.

The preceding examples (A-G) are a sampling but not an all-inclusive list of inappropriate expenditures.

GENERAL OVERVIEW

- Responses to our FOIA requests prove that, after receipt of the letter dated September 23, 2003 from the MSA executive director, at least 36 counties knowingly withheld money from the State of Michigan by keeping \$10 of the \$12 book-in fee before being certified to do so by the MSA/Council (*Exhibit 21*)
- One sheriff has promised to use book-in fee funds to send his Local Corrections Officers to the MCOLES Law Enforcement Certification Academy – as captured on DVD
- The Council improperly authorized \$300,000 in state training monies in the form of grants to all sheriffs in violation of Public Acts 124 and 125 of 2003. 2005
- Violation of Open Meetings Act, failure to comply with public posting of meeting requirements (2005)
- Violation of Open Meetings Act, failure to comply with public posting of meeting requirements (2007)
- Violation of Open Meetings Act by the MSA/Council Chair who secretly contacted MSA appointees to the Council to individually poll them on whether or not they wanted to appeal the Michigan Court of Appeals decision. (*Exhibit 22* letter to Council Chairman from DSAM President & Council member (2008)
 - DSAM appointees to the Council were disenfranchised from being involved in this important decision by the individual polling of the MSA appointees
- Misspent thousands of dollars in unauthorized expenditures that include sending sheriffs who are MSA/Council and Local Corrections Officers Advisory Board members to junkets throughout the country. These funds under the statute are to be used exclusively for the purpose of training Local Corrections Officers; the Act specifically excludes sheriffs and undersheriffs from utilizing these training funds. A recent response to a FOIA request shows that the MSA/Council has been routinely engaged in such inappropriate expenditures.
- One specific MSA/Council member never attended any statutorily required meetings. However, the MSA/Council authorized funds to send this non-participating sheriff to the American Jail Association Conference in Louisville, Kentucky (2009) where he had a jolly time on state training monies.
- In response to Senate Bills 1042, 1043 and 1044 the Michigan Sheriffs' Association, through its control of the Sheriffs' Coordinating and Training Council, is seeking to use state training funds to hire a lobbyist to represent the MSA interests in opposing this legislation.

FLAGRANT ABUSES BY SHERIFFS & THE COUNCIL JUSTIFIES TRANSFER OF OVERSIGHT TO MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS (MCOLES)

It is DSAM's position that, to actually realize the original intent of Public Acts 121, 124, and 125, the Sheriffs' Coordinating and Training Council should be abolished and all training and oversight responsibilities be transferred to MCOLES.

MCOLES has been established for over forty-five years and is doing exactly what this proposed legislation mandates: providing oversight for all law enforcement training funds and criminal justice training funds in Michigan. The Commission's main focus is on professionalism, formal in-service training, and the number of officers receiving training. The Commission is also responsible for instituting law enforcement training standards, implementing a web-based information system available to all law enforcement members, and awarding training grants that advance its objectives.

The initial drafts of the legislation that would go on to become Public Acts 121, 124, and 125 of 2003 would have charged MCOLES with administering Local Corrections Officers training standards, requirements, and oversight. The Michigan Sheriffs' Association was successful in advocating for the creation of a Sheriffs' Coordinating and Training Council as a new agency to supervise and administer Local Corrections Officers training stating that the sheriffs could do a better job than MCOLES.

The result was 81 separate training programs that have achieved few, if any of the goals set by the Legislature, while significant funding generated for training activities are used for purposes that are expressly prohibited in the enabling legislation. Transferring oversight to MCOLES would reduce redundancy and waste, while producing a program with proven integrity and professionalism.

Under MCOLES oversight, we believe the improved training would result in a safer working environment for the officers and a safer jail for both officers and inmates. The mental health and substance abuse programs for inmates referred to in the Acts would produce better post-release outcomes. These are issues that have far too long been ignored by the MSA-controlled Sheriffs' Coordinating and Training Council.

As we've made clear in our testimony and supporting evidence, the Sheriffs' Coordinating and Training Council is the alter-ego of the Michigan Sheriffs' Association. At the Council's first meeting on January 6, 2003 the following roadmap occurred:

- James Reed, an employee of the MSA, was contracted to work for the Council
- MSA acquired stationary for the Council
- Established an office expense contract with the MSA
- Use of the MSA logo as the Council logo
- Use of the MSA's accounting firm
- MSA was a registered lobbying agent

Exhibit 23 is an extensive comparison of MCOLES and the MSA/Council from an organizational standpoint. The comparison focuses on each organization's ability to administer training, oversight, and distribution of funds. Please note that the MSA/Council has never adopted a Mission Statement to provide a "framework or context within which the organization's strategies are formulated," nor has the MSA/Council adopted Organizational Values to provide "acceptable standards which govern the behavior of individuals within the organization."

MSA/COUNCIL FORCE DSAM BACK INTO CIRCUIT COURT – MAY 2010

It has never been the intention of the DSAM to embarrass anyone. We never wanted this issue to become so contentious. In fact, on five different occasions we attempted to meet with the MSA and/or the Council to see if we could amicably settle our differences (dates available upon request). It took 8 months and a unanimous resolution from the Local Corrections Officers Advisory Board that recommended a meeting before the MSA/Council responded to our written request for a meeting. The MSA/Council replied, "thanks, but no thanks."

In December 2009, Senator Richardville introduced legislation to address the abuses and non-compliance. That did not deter the Michigan Sheriffs' Association or the Council. On January 28, 2010, the MSA-dominated Council bypassed the Local Corrections Officers Advisory Board and voted to authorize \$40,000 of state training monies to conduct training programs for Local Corrections Officers. These training programs and funds were not developed or recommended by the Advisory Board. The two DSAM appointees to the MSA/Council argued against the authorization, stating that it was in violation of the injunction because no county is remitting 100% of the book in fee to the state. Their argument was ignored.

Recently the Court made two very significant rulings in favor of DSAM. At the direction of the DSAM executive board, DSAM was again forced to go back into court and ask the judiciary to enforce the injunction and the Training Act through the filing of a lawsuit in May of this year. In addition, DSAM petitioned the Court to issue a WRIT of Mandamus. A WRIT of Mandamus is characterized as an extraordinary cause of action requiring a governmental body to perform its duties and responsibilities that have been mandated by the legislature. The MSA/Council had bypassed the Local Corrections Officers Advisory Board before.

On July 29, 2010, extensive oral argument was heard in Ingham County Circuit Court on DSAM's motion to enforce the injunction and WRIT Of Mandamus. The Court agreed with DSAM and found the Council (the alter ego of the MSA) to have violated the original injunction. The Court enjoined the Council (and, therefore, MSA) from authorizing any money, directly or indirectly, for training of Local Corrections Officers from Counties that do not remit 100% of the book-in fee. The Court also issued the WRIT of Mandamus requiring the Council (and MSA by extension) to follow the law and not ignore the duties and responsibilities of the Local Corrections Officers Advisory Board. The Order granting the injunction and Mandamus were entered by the Court on October 15, 2010 and are now in full force.

Unfortunately the MSA and the Council refused to even sit down and talk with DSAM representatives. For a very long time DSAM has believed we have no other option but to seek legislative and judicial relief. DSAM has been forced to spend tens of thousands of dollars in enforcing the statute and preventing the Sheriffs appointed to the Council and the Michigan Sheriffs' Association, from circumventing the training statute and the intent of this honorable body in passing the Local Corrections Officers Training Act.

CLOSING REMARKS

In closing, the representatives of the Deputy Sheriff's Association of Michigan who have appeared before you today wish to thank you for your indulgence in hearing our plea for reform of the Local Correction Officers Training Act.

In 2003, this Honorable Body set in motion the introduction of legislation that would provide for standardized training for the local correction officers employed by County Sheriff's Departments. Once the bill was passed, it was hi-jacked by the Michigan Sheriff's Association for the benefit of the county sheriffs as a fund to use for the purchase of goods and services that were not provided in the Act. The evident presented today shows an across-the-board abuse by individual sheriffs in the manner in which they spent their training funds for equipment and services that are not related to the training of local correction officers, which you mandated in Act 124 and Act 125 of the Public Acts of 2003.

Sheriffs have misused training funds on such items as paying their dues to the Michigan Sheriff's Association, purchasing jail round verification system at a cost in excess of \$100,000, transferring over \$200,000 to pay for overtime for the implementation of a computerized jail management system, sending correction officers to the police academy so that they could qualify to become road deputies, transferring booking funds to balance the county general fund, purchasing prisoner transfer vans, paying overtime to guard inmates while they were cleaning public streets and sidewalks, and the list goes on and on. The Deputy Sheriff's Association of Michigan has spent thousands of dollars to gather evidence under the Michigan Freedom of Information Act and has had to take no fewer than five counties into the Ingham County Circuit Court to enforce our FOIA requests.

It is clear, from reviewing the September 2003 letter from Terry Jungel, the Executive Director of the Michigan Sheriff's Association, that it was MSA's intent from the beginning to take control of the Sheriff's Coordinating and Training Council and to use it for the benefit of the individual sheriffs and not for the benefit of the local correction officers who cry out for the professional training they are entitled to.

DSAM has been to court on several occasions wherein it claimed the Sheriff's Coordinating and Training Council, under the direction and control of the MSA, has misused or was about to misuse training funds for purposes not allowed under the Act. To date, DSAM has obtained two permanent injunctions to stop the council from paying its friends for unspecified training, has received an Order from the Michigan Court of Appeals affirming the grant of a permanent injunction preventing the MSA-dominated Sheriff's Coordinating & Training Council from spending any funds that are not allowed under the statute and, of most importance, DSAM has obtained a Writ of Mandamus requiring the MSA-dominated Sheriff's Coordinating & Training Council from bypassing the Local Correction Officers Advisory Board in the Council's desire to spend money for

unspecified training that has not been approved and recommended by the Advisory Board.

It could be said and argued that the actions of the Council that caused the issuance of a Writ of Mandamus could be considered malfeasance and nonfeasance by the sheriffs appointed to the Advisory Board.

As DSAM has pointed out, the Michigan Sheriff's Association, through its domination of the SCTC, has prevented the Council from finalizing the testing requirements for recruits to become local correction officers and have, instead, entered into a contract with a third party to administer the entry level testing for local correction officers and receives a fee for each candidate who takes the MSA test.

The actions of the MSA through its appointees on the Council require that the duties and responsibilities be transferred to the Michigan Council on Law Enforcement Standards to give the 3,000 local correction officers employed by County Sheriffs' Departments the professional training that this honorable body originally ordered.

Under Senator Richardville's proposed legislation, MCOLES would assume responsibility for maintenance of the local corrections officers training fund, distribution of training monies, and setting standards and requirements for the certification, re-certification, and training of local corrections officers. We fully support the Senator in this effort.

It is truly unfortunate that we have to be here today but, as we stated in our opening remarks, we are committed to uniform training standards throughout the State of Michigan. Therefore, on behalf of our local correction officer members we must seek legislative remedy and we look forward to working with you on this legislation or any other proposed solutions.

Thank you on behalf of the Deputy Sheriff's Association of Michigan.

Act No. 121
Public Acts of 2003
Approved by the Governor
July 29, 2003
Filed with the Secretary of State
July 29, 2003
EFFECTIVE DATE: Pending—subject to
enactment of HB 4515 and HB 4517

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Reps. Amos, Richardville, Wojno, Howell, Nofs, Stakoe, Gaffney, LaSata, Vander Veen, Vagnozzi, Voorhees, Ruth Johnson, Woodward, Rivet, Hune, DeRossett, Huizenga, DeRoche, Woronchak, Rocca, McConico, Byrum and Condino

ENROLLED HOUSE BILL No. 4516

AN ACT to amend 1982 PA 415, entitled "An act to improve the training and education of state and local correctional officers; to provide for the certification of state correctional officers and the development of standards and requirements for state and local correctional officers; to provide for the creation of a correctional officers' training council and a central training academy; and to prescribe the powers and duties of certain state agencies," by amending the title and sections 2, 3, 4, 5, and 15 (MCL 791.502, 791.503, 791.504, 791.505, and 791.515); and to repeal acts and parts of acts.

The People of the State of Michigan enact:

TITLE

An act to improve the training and education of state correctional officers; to provide for the certification of state correctional officers and the development of standards and requirements for state correctional officers; to provide for the creation of a correctional officers' training council and a central training academy; and to prescribe the powers and duties of certain state agencies.

Sec. 2. As used in this act:

- (a) "Central training academy" means the central training academy established pursuant to section 15.
- (b) "Correctional facility" means a facility or institution which houses an inmate population under the jurisdiction of the department of corrections.
- (c) "Council" means the correctional officers' training council created under section 3.
- (d) "Department" means the state department of corrections.
- (e) "Executive secretary" means the executive secretary of the council.
- (f) "State correctional officer" means any person employed by the department in a correctional facility as a correctional officer or a corrections medical aide, or that person's immediate supervisor.

Sec. 3. The correctional officer's training council is created within the department and shall establish standards regarding training and education as prescribed in this act. The council shall consist of 8 members appointed by the governor. The members shall be appointed as follows:

- (a) One member shall represent state corrections officers.
- (b) One member shall represent the department.
- (c) One member shall represent the department of management and budget.

- (d) One member shall represent the state personnel director.
- (e) Two members shall represent the public at large.
- (f) Two members shall represent the academic community, at least 1 of whom shall represent Michigan community colleges.

Sec. 4. (1) All members of the council shall hold office for a term of 3 years. Successors shall be appointed in the same manner as the original appointment.

(2) A person appointed as a member to fill a vacancy created other than by expiration of a term shall be appointed in the same manner as the original appointment for the remainder of the unexpired term of the member whom the person is to succeed.

(3) Any member may be reappointed for additional terms.

Sec. 5. (1) The council shall designate from among its members a chairperson and a vice-chairperson who shall serve for 1-year terms and who may be reelected.

(2) The council shall meet at least 4 times in each year at Lansing. The council shall hold special meetings when called by the chairperson or, in the absence of the chairperson, by the vice-chairperson, or when called by the chairperson upon the written request of 4 members of the council. The council shall establish its own procedures and requirements with respect to quorum, place, and conduct of its meeting and other matters.

(3) The business which the council may perform shall be conducted at a public meeting of the council held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(4) The members of the council shall serve without compensation but shall be entitled to their actual expenses in attending meetings and in the performance of their duties under this act.

Sec. 15. The department shall establish a central training academy for use as an employee training center for state correctional officers. Funds necessary for the establishment and use of the training academy shall be provided by the department and supported by separate appropriation.

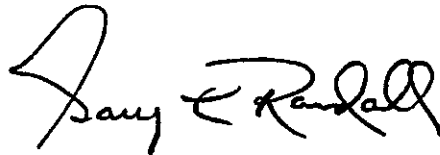
Enacting section 1. Section 14 of the correctional officers' training act of 1982, 1982 PA 415, MCL 791.514, is repealed.

Enacting section 2. This amendatory act takes effect October 1, 2003.

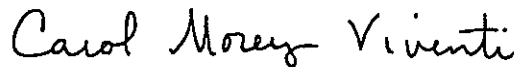
Enacting section 3. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

- (a) House Bill No. 4515.
- (b) House Bill No. 4517.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor

Act No. 124
Public Acts of 2003
Approved by the Governor
July 31, 2003
Filed with the Secretary of State
August 1, 2003
EFFECTIVE DATE: October 1, 2003

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Reps. Wojno, Richardville, Amos, Howell, Nofs, Stakoe, Gaffney, LaSata, Vander Veen, Voorhees, Ruth Johnson, Woodward, Rivet, DeRossett, Hune, DeRoche, Huizenga, Woronchak, Rocca, McConico, Byrum and Condino

ENROLLED HOUSE BILL No. 4517

AN ACT to amend 1846 RS 171, entitled "Of county jails and the regulation thereof," (MCL 801.1 to 801.27) by adding section 4b.

The People of the State of Michigan enact:

Sec. 4b. (1) Beginning August 1, 2003, each person who is incarcerated in the county jail shall pay a fee of \$12.00 to the county sheriff when the person is admitted into the jail.

(2) The county sheriff may collect a fee owed under this section by withdrawing that amount from any inmate account maintained by the sheriff for that inmate.

(3) Except as provided in subsections (4) and (5), the sheriff, once each calendar quarter, shall forward all fees collected under this section to the local corrections officers training fund created in the local corrections officers training act.

(4) The revenue derived from fees collected under this section shall be directed in the manner provided in subsection (5) in a county for which the sheriffs coordinating and training council has certified that the county's standards and requirements for the training of local corrections officers equals or exceeds the standards and requirements approved by the sheriffs coordinating and training council under the local corrections officers training act.

(5) In a county that meets the criteria in subsection (4), both of the following apply:

(a) Once each calendar quarter, the sheriff shall forward \$2.00 of each fee collected to the state treasurer for deposit in the local corrections officers training fund created in the local corrections officers training act.

(b) The remaining \$10.00 of each fee shall be retained in that county, to be used only for costs relating to the continuing education, certification, recertification, and training of local corrections officers and inmate programs including substance abuse and mental health programs in that county. However, revenue from the fees shall not be used to supplant current spending by the county for continuing education, certification, recertification, and training of local corrections officers.

(6) An inmate who fails to pay a fee owed under this section before being discharged from the jail is responsible for a state civil infraction and may be ordered to pay a civil fine of \$100.00. An appearance ticket may be issued to a person who fails to pay a fee owed under this section. The appearance ticket may be issued by the sheriff or a deputy sheriff. The county prosecutor for the county in which the jail is located is responsible for enforcing the state civil infraction. A civil fine collected under this section shall be paid as provided under section 8831 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8831.

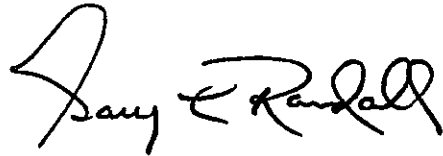
(7) A person who is incarcerated in a jail pending trial or arraignment is entitled to a full refund of the fee paid under this section if the prosecution against him or her is terminated for any reason or if he or she is found not guilty of the charges. Each person required to pay a fee under this section shall be given a written form explaining the circumstances under which he or she may request a refund under this subsection. The form shall be as prescribed in section 15 of the local corrections officers training act.

Enacting section 1. This amendatory act takes effect October 1, 2003.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

- (a) House Bill No. 4515.
- (b) House Bill No. 4516.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor

Act No. 125
Public Acts of 2003
Approved by the Governor
July 31, 2003
Filed with the Secretary of State
August 1, 2003
EFFECTIVE DATE: October 1, 2003

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Reps. Richardville, Amos, Wojno, Howell, Nofs, Stakoe, Gaffney, LaSata, Vander Veen, Vagnozzi, Voorhees, Ruth Johnson, Ward, Rivet, DeRossett, Hune, Huizenga, DeRoche, Woronchak, Rocca, Condino, McConico and Byrum

ENROLLED HOUSE BILL No. 4515

AN ACT to improve the training and education of local corrections officers; to provide for the certification of local corrections officers and the development of standards and requirements for local corrections officers; to provide for the creation of a sheriffs coordinating and training office and a local corrections advisory board; and to prescribe the powers and duties of certain local and state officers and agencies.

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the "local corrections officers training act".

Sec. 2. As used in this act:

- (a) "Board" means the local corrections officers advisory board created in section 9.
- (b) "Council" means the sheriffs coordinating and training council described in section 4.
- (c) "Executive secretary" means the executive secretary of the council.
- (d) "Local correctional facility" means county jail, work camp, or any other facility maintained by a county that houses adult prisoners.
- (e) "Local corrections officer" means any person employed by a county sheriff in a local correctional facility as a corrections officer or that person's supervisor or administrator.
- (f) "Office" means the sheriffs coordinating and training office created in section 3.

Sec. 3. (1) The sheriffs coordinating and training office is created as an autonomous entity in the department of corrections. The department is not fiscally or programmatically responsible or liable for any of the responsibilities or duties of the office, council, or board contained in this act.

(2) The head of the office is the sheriffs coordinating and training council.

(3) The chief executive officer of the office is the executive secretary, who shall be appointed by the council and who shall hold office at the pleasure of the council. The executive secretary shall perform the functions and duties as may be assigned by the council. The council may employ other persons as it considers necessary to implement the intent and purpose of this act.

Sec. 4. (1) The council consists of 7 members selected as follows:

- (a) The president of the Michigan sheriffs' association.
 - (b) One member appointed to the council for a 1-year term, to be elected by the Michigan sheriffs' association, who shall be a sheriff from a county having a population of over 400,000.
 - (c) One member appointed to the council for a 1-year term, to be elected by the Michigan sheriffs' association, who shall be a sheriff from a county having a population of between 100,000 and 400,000.
 - (d) One member appointed to the council for a 1-year term, to be elected by the Michigan sheriffs' association, who shall be a sheriff from a county having a population under 100,000.
 - (e) Two members appointed to the council for terms of 1 year each, who shall be elected by the deputy sheriff's association of Michigan.
 - (f) One member appointed to the council for a 1-year term, who shall be elected by the jail administrators committee of the Michigan sheriffs' association.
- (2) A member shall vacate his or her appointment upon termination of his or her official position as a sheriff or a deputy sheriff. A vacancy shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the member whom he or she is to succeed in the same manner as the original appointment. Any member may be reappointed for additional terms.
- (3) The terms of the members first appointed shall begin January 1, 2004.

Sec. 5. (1) The council shall designate from among its members a chairperson and vice-chairperson, who shall serve for 1-year terms and who may be reelected.

(2) The council shall meet at least 4 times in each year and shall hold special meetings when called by the chairperson or, in the absence of the chairperson, by the vice-chairperson or when called by the chairperson upon the written request of 3 members of the council. The council shall establish its own procedures and requirements with respect to quorum, place, and conduct of its meetings and other matters.

(3) The business that the council may perform shall be conducted at a public meeting of the council held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and public notice of the time, date, and place of the meeting shall be given in the manner required by that act.

(4) The members of the council shall serve without compensation but shall be entitled to their actual expenses in attending meetings and in the performance of their duties.

Sec. 6. A member of the council shall not be disqualified from holding any public office or employment by reason of his or her appointment or membership on the council and shall not forfeit that public office or employment by reason of his or her appointment to the council, notwithstanding the provisions of any general, special, or local law, ordinance, or city charter.

Sec. 7. Administrative support services for the council and executive secretary shall be provided by the council as provided by separate appropriation for the council.

Sec. 8. Not later than October 1, 2004 and as often as necessary after that, the council shall approve minimum standards and requirements for local corrections officers with respect to the following:

- (a) Recruitment, selection, and certification of new local corrections officers based upon at least, but not limited to, work experience, educational achievement, and physical and mental fitness.
- (b) New employee and continuing training programs.
- (c) Recertification process.
- (d) Course content of the vocational certificate program, the central training academy, and continuing training programs. The course content shall include education and training on how to identify and manage prisoners with a mental illness.
- (e) Decertification process.

Sec. 9. (1) The local corrections officers advisory board is created within the council. The board shall consist of 9 members appointed by the council, as follows:

- (a) Three members of the board shall be members of the deputy sheriff's association of Michigan.
- (b) Three members of the board shall be members of the Michigan sheriffs' association.
- (c) One member of the board shall be a member of the police officers association of Michigan.
- (d) One member of the board shall be a member of the fraternal order of police.

(e) One member of the board shall be a member of the Michigan association of counties.

(2) All members of the board shall hold office for terms of 3 years each, except that of the members first appointed 3 shall serve for terms of 1 year each, 3 shall serve for terms of 2 years each, and 3 shall serve for terms of 3 years each. Successors shall be appointed in the same manner as the original appointment.

(3) A person appointed as a member to fill a vacancy created other than by expiration of a term shall be appointed in the same manner as the original appointment for the remainder of the unexpired term of the member whom the person is to succeed.

(4) Any member may be reappointed for additional terms.

(5) The members of the board shall serve without compensation but shall be entitled to their actual expenses in attending meetings and in the performance of their duties.

(6) Not later than April 1, 2004 and as often as necessary after that, the board shall develop and recommend minimum standards and requirements for local corrections officers and shall submit those standards and requirements to the council for the council's approval under section 8.

(7) The board shall recommend to the council all facilities that the board approves for providing training to local corrections officers under this act.

Sec. 10. The board shall make an annual report to the council that includes pertinent data regarding the standards and requirements established and an evaluation on the effectiveness of local corrections officer training programs.

Sec. 11. Beginning April 1, 2004, a person shall not be a local corrections officer unless he or she is certified or recertified by the council as provided in section 12 or 13. The council shall certify those persons and recertify on an annual basis those persons who satisfy the criteria set forth in section 12 or 13.

Sec. 12. Effective January 1, 2005, a person who is employed as a local corrections officer before January 1, 2005, upon furnishing the council satisfactory evidence of his or her employment as a local corrections officer, shall be certified and recertified by the council as a local corrections officer if he or she applies to the council for certification not later than April 1, 2004.

Sec. 13. A person who was not employed as a local corrections officer before January 1, 2005 but who becomes employed as a local corrections officer on or after January 1, 2005 shall not be certified or recertified by the council unless he or she meets all of the following conditions:

(a) He or she is a citizen of the United States and is 18 years of age or older.

(b) He or she has obtained a high school diploma or attained a passing score on the general education development test indicating a high school graduation level.

(c) Not later than 12 months after becoming employed as a local corrections officer, he or she has fulfilled other standards and requirements developed by the board and approved by the council for certification.

(d) He or she has fulfilled standards and requirements developed by the council upon the recommendation of the board for recertification.

Sec. 13a. Nothing in this act supersedes a right granted under a collective bargaining agreement. A person who exercises a right pursuant to a collective bargaining agreement that results in that person being required to obtain certification under this act shall be allowed not less than 2 years to obtain that certification at the expense of the employer. Nothing in this act prohibits the county sheriff from temporarily transferring or assigning an uncertified employee to a position normally requiring certification or from using an uncertified employee to function as a corrections officer during any period of emergency.

Sec. 14. The council may do all of the following:

(a) Enter into agreements with other public or private agencies or organizations to implement the intent of this act.

(b) Cooperate with and assist other public or private agencies or organizations to implement the intent of this act.

(c) Make recommendations to the legislature on matters pertaining to its responsibilities under this act.

Sec. 15. (1) The local corrections officers training fund is created in the state treasury. The fund shall be administered by the council, which shall expend the fund only as provided in this section.

(2) There shall be credited to the local corrections officer training fund all revenue received from fees and civil fines collected under section 4b of 1846 RS 171, MCL 801.4b, and funds from any other source provided by law.

(3) The council shall use the fund only to defray the costs of continuing education, certification, recertification, decertification, and training of local corrections officers; the personnel and administrative costs of the office, board, and

council; and other expenditures related to the requirements of this act. Only counties that forward to the fund 100% of fees collected under section 4b of 1846 RS 171, MCL 801.4b, are eligible to receive grants from the fund. A county that receives funds from the council under this section shall use those funds only for costs relating to the continuing education, certification, recertification, and training of local corrections officers in that county and shall not use those funds to supplant current spending by the county for those purposes, including state grants and training funds.

(4) The council, upon written request, shall reimburse the full amount of any fee paid by a person under section 4b of 1846 RS 171, MCL 801.4b, if the person was incarcerated pending trial and was found not guilty or the prosecution against the person was terminated for any reason. The council shall create and make available to all local correctional facilities in this state a written form explaining the provisions of this subsection. The form shall include the address to which the reimbursement request should be sent.

(5) Unexpended funds remaining in the fund at the end of the fiscal year shall remain in the fund and shall not revert to the general fund.

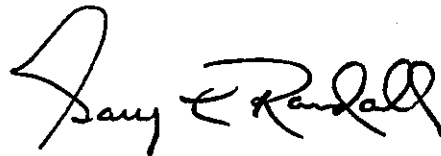
Sec. 16. The council may accept funds, grants, and gifts from any public or private source which shall be used to defray the expenses incident to implementing its responsibilities under this act.

Enacting section 1. This act takes effect October 1, 2003.

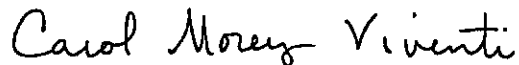
Enacting section 2. This act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

- (a) House Bill No. 4516.
- (b) House Bill No. 4517.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor



MICHIGAN SHERIFFS' ASSOCIATION

EDUCATIONAL SERVICES, INC.

515 NORTH CAPITOL AVENUE • LANSING, MICHIGAN 48933-1241
TELEPHONE 517 / 485-3135 • FAX 517 / 485-1013 • www.michigansheriff.com

**Board of Directors
Sheriffs:**

Past President
Gary R. Carlson
Delta County

President
Thomas N. Edmonds
Kalamazoo County

District V
Vice President
Thomas T. Kern
Tuscola County

District I
Secretary/Treasurer
Michael H. Lovelace
Marquette County

District II
Gary A. Finstrom
Wexford County

District III
Michael S. Mercer
Newaygo County

District IV
Matthew J. Lori
St. Joseph County

Terrence L. Jungel
Executive Director

September 23, 2003

Dear Sheriff:

As you are aware, the Governor has signed into law PA 121,124,125. These bills bring significant changes to training for local corrections officers and the structure of the office responsible to oversee that training. We are currently attempting to form an implementation committee to begin the overview of the processes, which need to be put in place prior to January 1, 2004. If you would be interested in serving on the implementation committee or serving on the council as a member please contact myself or Julie Chaffee, Deputy Director by October 8, 2003.

This act, known as the "local corrections officers training act", creates an autonomous entity in the department of corrections. The head of the office is the sheriff's coordinating and training council. (Michigan Sheriffs Training Council)

The council consists of seven (7) members selected as follows:

- 1.) The president of the Michigan Sheriffs' Association
- 2.) A sheriff from a county having a population of over 400,000.
- 3.) A sheriff from a county having a population between 100,000 and 400,000.
- 4.) A sheriff from a county having a population under 100,000.
- 5.) Two members elected by the deputy sheriff's association of Michigan.
- 6.) A member elected by the jail administrators committee of MSA.

The council will meet at least four (4) times in each year and will serve without compensation but will be entitled to their actual expenses in attending meetings and in performance of their duties.

The legislation requires this council to approve minimum standards and requirements for local corrections officers with respect to the following;

- 1.) Recruitment, selection, and certification of new local corrections officers.
- 2.) New employee and continuing certification programs.
- 3.) Recertification process.
- 4.) Course content of the vocational certification program.
- 5.) Decertification process.

The second important part of the bill is the creation of a process to provide funding for local corrections officer training. The bill mandates that a fee of



MICHIGAN SHERIFFS' ASSOCIATION

EDUCATIONAL SERVICES, INC.

515 NORTH CAPITOL AVENUE • LANSING, MICHIGAN 48933-1241
TELEPHONE 517 / 485-3135 • FAX 517 / 485-1013 • www.michigansheriff.com

Board of Directors Sheriffs:

Past President
Gary R. Carlson
Delta County

President
Thomas N. Edmonds
Kalamazoo County

District V
Vice President
Thomas T. Kern
Tuscola County

District I
Secretary/Treasurer
Michael H. Lovelace
Marquette County

District II
Gary A. Finstrom
Wexford County

District III
Michael S. Mercer
Newaygo County

District IV
Matthew J. Lori
St. Joseph County

Terrence L. Jungel
Executive Director

\$12.00 will be paid by each person who is incarcerated in the county jail. Of the \$12.00 collected, \$10.00 may be used by the collecting agency to provide continuing education, certification, and recertification of local corrections officers in that county. The remaining \$2.00 is to be forwarded to the state treasurer for deposit in the local corrections officers training fund. This fund will be used to support the functions of the council and, eventually, provide funding for training grants for counties that have supported this effort.

We recognize that the implementation of this new law will present challenges at your agency and we will assist in any way that we can during this process. To that end, we have included a suggested form to be used for collecting this fee from persons booked into your county jail. We have also compiled some Frequently Ask Questions to assist you in your implementation. We are working as quickly as possible to establish procedures to meet the requirements of this legislation. We will continue to advise you as progress is made and welcome your questions and suggestions during this transitioning period.

Sincerely,

Terrence L. Jungel, Director
Michigan Sheriffs' Association

Sheriff
Sheriff's Office
Address
Michigan

Dear Sheriff:

March 29, 2004

Section 801.4b, Subsection 4 of the LOCAL CORRECTIONS OFFICERS TRAINING ACT states the following:

The revenue derived from fees collected under this section shall be directed in the manner provided in subsection (5) in a county for which the sheriffs' coordinating and training council has certified that the county's standards and requirements for the training of local corrections officers equals or exceeds the standards and requirements approved by the sheriffs' coordinating and training council under the local corrections officers training act.

Subsection 5 states:

In a county that meets the criteria in subsection (4), both of the following apply:

- (a) Once each calendar quarter, the sheriff shall forward \$2.00 of each fee collected to the state treasurer for deposit in the local corrections officer training fund created in the local corrections officer training act.*
- (b) The remaining \$10.00 of each fee shall be retained in that county, to be used only for costs relating to the continuing education, certification, recertification, and training of local corrections officers and inmate programs including substance abuse and mental health programs in that county. However, revenue from the fees shall not be used to supplant current spending by the county for continuing education, certification, recertification, and training of local corrections officers.*

These sections of the act speak to actions necessary before booking fee monies can be spent by the counties collecting those fees.

Subsection 4 requires the Council to certify that the county's standards and requirements for training of local corrections officers equals or exceeds standards and requirements approved by the Council. Until the Council receives recommendations from the Advisory Board reestablishing standards and requirements and can act upon those recommendations, the Council has approved MCOTC standards and requirements for the training of local corrections officers. For formal academy training, the 160 Hour Local Training Academy was the MCOTC standard. Other academy type training may be submitted to the Council for consideration and approval as equal to or exceeding that standard. For in-service training, the MCOTC defined the standard as training that was directly relevant to the correction officer's job responsibilities.

In order for the Council to certify your county's standards and requirements for training of local corrections officers, the council is requesting that you submit a letter to the council stating that you will comply with or exceed the training standards for local corrections officers as established by the Michigan Sheriffs' Coordinating and Training Council in accordance with PA 125 of 2003.

The council further resolved that interpretation as to whether training programs and inmate programs for which you use these funds meet the standard will be the responsibility of the sheriff. Requiring council action on every training program or inmate program would be impractical due to the need for timely decisions and commitments. The exception to that guideline will be formally convened correctional training academies where variances from the council standard will have to be approved prior to the running of the academy.

If you have any questions regarding this issue, please feel free to contact me. My office hours are M-F, 0830 -1230 Hours. My E-Mail address is jreed@michigansheriff.com

Sincerely,

James C. Reed
Executive Secretary



MICHIGAN SHERIFFS' COORDINATING and TRAINING COUNCIL

515 North Capitol Avenue
Lansing, Michigan 48933
(517) 485-3135 FAX (517) 485-1013

Sheriff Brian J. McLean
Houghton County Sheriff's Office
403 E. Houghton Ave.
Houghton, Michigan 49931

NOV 19 2005

Sheriff Gene L. Wriggelsworth
Ingham County
Chairperson

Dear Sheriff:

November 16, 2005

Keith Forsgren, C.O.
Macomb County
Vice-Chairperson

One of the requirements of the Local Corrections Officers Training Act of 2003 is that the Council is to certify the training for each county. The Council determined that it did not want to consider each and every training program that a Sheriff decided was appropriate for their corrections officers. As a result, they established a much less complex method of certifying each county.

Sheriff Mark A. Hackel
Macomb County

In order for the Council to certify your county's standards and requirements for training of local corrections officers, the council is requesting that you submit a letter to the council stating that you will comply with or exceed the training standards for local corrections officers as established by the Michigan Sheriffs' Coordinating and Training Council in accordance with PA 125 of 2003.

Edward J. Kaledas
Jail Administrator
Mecosta County

In accordance with the act, this certification must be received prior to your county spending any of the booking fees collected. It is also a requirement before your county can request any training funds from the Council or participate in any training funded by booking fee monies received from the Council.

Sheriff Wayne K. Kangas
Clinton County

As of this date, only nine (9) counties have not been certified by the Council. Your county is one of the nine. I have attached a sample letter for your use in requesting training council certification. I encourage you to submit your request for certification. It may be addressed to my attention at;

Sheriff Michael H. Lovelace
Marquette County

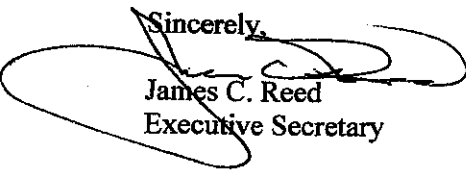
Michigan Sheriffs' Coordinating and Training Council
515 N. Capital Ave.
Lansing, Michigan, 48933.

Mark Reminga, Sgt.
Kent County

James C. Reed
Executive Secretary

If you have any questions regarding this issue, please feel free to contact me. My office hours are M-F, 0800 -1200 Hours. My E-Mail address is jreed@michigansheriff.com

Sincerely,


James C. Reed
Executive Secretary

cc: Jail Administrator



ALCONA COUNTY SHERIFF'S OFFICE

214 W. Main Street, Harrisville, Michigan 48740

Office: (989) 724-6271

Fax: (989) 724-6181

Douglas W. Ellinger

SHERIFF

E-mail: ellinger@alcona-county.net

Douglas M. Atchison

UNDERSHERIFF

E-mail: atchison@alcona-county.net

March 29, 2004

James C. Reed
Executive Secretary
Michigan Sheriffs' Training and Coordinating Council
515 North Capitol Avenue
Lansing, MI 48933

Dear Mr. Reed,

This letter serves as notice that the Alcona County Sheriff's Office will comply with or exceed the training standards for local corrections officers as established by the Michigan Sheriffs' Coordinating and Training Council in accordance with PA 125 of 2003.

Sincerely,

Douglas W. Ellinger
Alcona County Sheriff

SAMPLE ONLY



Lake County Sheriff's Office

1153 Michigan Ave., Baldwin, Michigan 49304
Phone (231) 745-2712 Fax (231) 745-9008

Michigan Sheriff's Training and Coordinating Council
Attn: James C. Reed, Executive Secretary
515 North Capital Avenue
Lansing, MI 48933

Mr. James C. Reed,

April 1, 2004

In response to your LOCAL CORRECTIONS OFFICERS TRAINING ACT letter that I received on March 26, 2004 80% of our corrections officers have completed the 160 Hour Local Training Academy. The rest are either taking or are scheduled to take the 160 Hour Local Training Academy by the end of the year. On our staff we have a certified PPCT Instructor, Fire Safety Instructor, Freeze + P Instructor and certification is pending on our 160 Hour Local Training Academy Instructor.

If you have any further questions regarding this matter please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Hilts', written over a horizontal line.

Robert A. Hilts
Sheriff



County of Ottawa

Sheriff's Office

Gary A. Rosema
Sheriff
Gregory A. Steigenga
Undersheriff



Headquarters / Administration
12220 Fillmore Street
West Olive, Michigan 49460
(616) 738-4000 or (888) 731-1001
Fax: (616) 738-4062

Correctional Facility
12130 Fillmore Street
West Olive, Michigan 49460
(616) 786-4140 or (888) 731-1001
Fax: (616) 738-4099

August 3, 2004

Mr. Jim Reed
Jail Resources Manager
Michigan Sheriffs' Association
515 N. Capitol Avenue
Lansing, MI 48933

Dear Jim:

This letter is to inform you, The Michigan Sheriffs' Association, and The Michigan Sheriffs' Training Council that it is the intention of the Ottawa County Sheriff's Office to follow the guidelines as established and set forth in the Local Corrections Officer Training Act.

Should you have any additional questions, please feel free to contact Lt. Steve Baar, Jail Administrator, Undersheriff Gregory A. Steigenga or me.

Thank you for your continued efforts for correctional initiatives for sheriff's and correctional staff in our state.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gary A. Rosema".

Gary A. Rosema
Sheriff

**SANILAC COUNTY SHERIFF DEPARTMENT**

65 N. Elk • Sandusky, MI 48471
Office: (810) 648-2000 • Emergency: 911

VIRG STRICKLER
SHERIFF

GREG FERRIBY
UNDERSHERIFF

Michigan Sheriffs' Training & Coordinating Council
515 N. Capital Avenue
Lansing, MI 48933

April 1, 2004

RE: PA125 of 2003

Dear Mr. Reed;

In regards to PA125 of 2003, we are going to keep the \$10.00 in house for use for all cost relating to our Correction Officer training. We will send all Correction Officers to formal academy training.

We will be doing in-service training throughout the year that will be directly relevant to the Correction officer job responsibility.

We will either meet or exceed the requirement set forth by PA 125 of 2003.

Sincerely

Virgil Strickler
Sanilac County Sheriff

Lt. Michael F. Redman
Jail Administrator

**GRATIOT
COUNTY**



226 E. CENTER STREET
ITHACA, MICHIGAN 48847
ADMINISTRATION (989) 875-5214
JAIL (989) 875-5211
FAX (989) 875-3322
TOLL FREE 1-877-GRATIOT (472-8468)

OFFICE OF THE SHERIFF

ROBERT L. "RICK" BERACY, SHERIFF

April 01, 2004


Michigan Sheriffs' Training & Coordinating Council
515 North Capitol Avenue
Lansing Michigan 48933

Attention: James C. Reed

Council Members:

The Gratiot County Sheriff's Office will make every attempt to comply with or exceed the training standards for local corrections officers as established by the Michigan Sheriffs' Coordinating and Training Council in accordance with *P.A. 125 of 2003*.

Respectfully submitted:


Robert L. Beracy, Sheriff
County of Gratiot

MICHIGAN SHERIFFS TRAINING COUNCIL
Public Act 124 of 2003

Most Frequently Asked Questions about MSTC

Q: Can I start collecting the fees now?

A: Yes, as of August 1, 2003. We recommend, however, that you have a policy and procedure in place when you begin this initiative.

Q: Can this fee be charged by local lockups?

A: This act(s) clearly applies to county facilities staffed and maintained by county employees.

Q: Can the fee be taken out of an inmates account?

A: Yes; P.A. 124 states that the county sheriff may withdraw that amount from any inmate account maintained by the sheriff for that inmate.

Q: Does the county have to maintain a separate account for these fees?

A: The county will have to decide the method they use in maintaining this fund. However, P.A. 124 is very specific in how the funds collected are to be utilized. As a result, sound accounting principles should be used in order to clearly track their use.

Q: How do I submit these funds to the State?

A: A line item and procedures are being developed. It is our goal to have these procedures in place prior to the end of the third quarter, which is your first reporting period. You will be notified when they are in place.

Q: Does the act require that a civil fine be assessed if the fee is not paid (P.A.124)?

A: The language of the act uses the term 'may' which would make this action optional. However, your policy and procedure should address this issue and enforcement should be consistent.

Q: Can a Corrections officer issue the civil ticket?

A: No. It must be issued by a police officer; A Sheriff may deputize a Corrections officer for this specific task as a "special deputy". However, we discourage that practice while this Act is being implemented.

Q: Can the form suggested by MSA to be used in collecting the booking fee be modified?

A: Yes, this is only a suggested format. Your form should comply with your policy and procedure. It is necessary under P.A. 124 to notify the person paying the fee in writing explaining the circumstances and procedures under which she or he may request a refund. It is then the person's responsibility to request refund of the council.

Q: According to the bill, the funds retained by the county can only be used for corrections training approved by the Council. Does that mean that I can't use them now?

A: P.A. 124 states that the funds can only be used for training approved by the Council so the answer is yes, they cannot be used until the council approves your training. Under the act, the council has no authority to approve curriculum until after January 1, 2004. The Act does read that it may be used immediately for mental health (our secret).

Q: What training is approved?

A: The act states that only the council may approve all training. At this point we can only assume the current curriculum developed under the 160 is what will be utilized when the council is seated until new curriculum is developed and presented to them.

Q: What will the process be to have corrections officers employed before January 1, 2005, certified and recertified by the Council?

A: A form will be developed by the Council and provided to each agency for their use. Upon submission of the completed form, the Council will act upon the request. Initial consideration is being given to a form which will list each employee, their SSN, and their date of hire. This form will be signed by the Sheriff prior to submission to the Council.

Q: How is it possible for all persons employed as a local corrections officer before January 1, 2005, to apply for certification by April 1, 2004, as specified in P.A. 125?

A: The intent was clearly that ALL persons employed as corrections officers by a county before January 1, 2005, whose names are submitted to the Council in accordance with the act will be certified and recertified. The Council will certainly attempt to comply with the intent of the Act.

SAMPLE FORM

BOOKING FEE REFUND FORM

Pursuant to Public Act 124. SEC. 4B. (1) Beginning August 1, 2003, each person who is incarcerated in the County Jail shall pay a fee of \$12.00 to the county Sheriff when the person is admitted into the jail. Failure to pay would subject you to a \$100 civil fine.

If you have been charged all or a portion of this fee, the charge(s) against you were criminal, and the prosecution against you was terminated or you were found not guilty of all charges, you may request a refund by completing the following form below and returning it to:

Sheriff's Office

Street Address

City, State Zip

CLAIM FOR REIMBURSEMENT OF BOOKING FEE

Claimants Name: _____ Date of Birth ____/____/____

Current Address: _____

City, State Zip

Court in which prosecution was terminated
or claimant found not guilty: _____

Date of Termination or
claimant found not guilty: ____/____/____

*Amount claimed: \$ _____

I certify and attest that the above information is correct.

Claimant Signature

Date

**Attach copy of payment receipt showing booking fee to this reimbursement claim*



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

JAY B. RISING
STATE TREASURER

Date: January 21, 2004

Letter Number 2004-1
Local Corrections Officers Training Fund
Public Act 124 of 2003

To: County Treasurers, Administrators, Controllers, Managers, County Clerks, County Sheriffs, and LAFD Staff

From: Suzanne K. Schafer, Administrator
Local Audit and Finance Division
Bureau of Local Government Services

RE: Public Act 124 of 2003

Public Act 124 of 2003, which became effective October 1, 2003, amended chapter 171 of the Revised Statutes of 1846 related to county jails and regulations thereof, by adding a new section (MCL 801.4b) to the act. The amendment to the act regulates county jails by imposing a \$12.00 booking fee on each inmate when first admitted into a county jail. The booking fee, when collected, is used as a source of revenue for the local correctional officers training programs. The Act was tied to legislation enacted in Public Acts 121 and 125 of 2003, which also took effect October 1, 2003.

MCL 801.4b states in part:

- (1) "Beginning August 1, 2003, each person who is incarcerated in the county jail shall pay a fee of \$12.00 to the county sheriff when the person is admitted into jail.
- (2) The county sheriff may collect a fee owed under this section by withdrawing that amount from any inmate account maintained by the sheriff for that inmate.
- (3) Except as provided in subsections (4) and (5), the sheriff, once each calendar quarter, shall forward all fees collected under this section to the local corrections officers training fund created in the local corrections officers training act.
- (4) The revenue derived from fees collected under this section shall be directed in the manner provided in subsection (5) in a county for which the sheriffs coordinating and training council has certified that the county's standards and requirements for the training of local corrections officers equals or exceeds the standards and requirements approved by the sheriffs coordinating and training council under the local corrections officers training act.
- (5) In a county that meets the criteria in subsection (4), both of the following apply:
 - (a) Once each calendar quarter, the sheriff shall forward \$2.00 of each fee collected to the state treasurer for deposit in the local corrections officers training fund created in the local corrections officers training act.
 - (b) The remaining \$10.00 of each fee shall be retained in that county, to be used only for costs relating to the continuing education, certification, re-certification, and training of local corrections officers and inmate programs including substance abuse and mental health programs in that county. However, revenue from the fees shall not be used to supplant current spending by the county for continuing education, certification, re-certification, and training of local correction officers. "

The act allows the booking fee to be taken from the inmates' trust accounts (trust fund) under the control of the county sheriff. We recommend that authorization to take the funds from the inmate trust accounts be established in a written policy by the board of commissioners with the assistance of the prosecuting attorney, county treasurer and county sheriff. Proper internal controls must be in place and made a part of the approved policy of the board.

The act requires that \$2.00 of the booking fee go to the State of Michigan for deposit into a fund at the State level entitled the "local corrections officer's training fund" as created under PA 125 of 2003. The county maintains the balance of \$10.00 if the sheriff's coordinating and training council, established in Public Act 121 of 2003, certifies the county's training program. However, Section 15 (3) of PA 125 of 2003 states that: "Only counties that forward 100% of the fees collected under Section 4b of 1846 RS 171, MCL 801.4b, are eligible to receive grants from the fund."

We recommend that the county establish in the general agency fund (701), using account number 228.61, "Due to State of Michigan--Local Corrections Officer's Training Fund," for the amount to be deposited into the fund at the State level. Since the act requires that revenue from the fees shall not be used to replace current spending by the county for continuing education, certification, re-certification, and training of local corrections officers, we recommend a separate special revenue fund be established at the county local level. The fund should be entitled "Local Corrections Officer's Training Fund" using special revenue fund number 264.

For accounting purposes the program will be assigned activity number 362--Other Corrections Activities--Training

Revenue Account: 543 State Grants--Public Safety (If the county is entitled to receive grant money)
607 Charge for Services--Sheriff Booking Fees (Use any number between 607-625)

Activity Number: 362.00 Other Corrections Activities--Local Correction Officer's Training

The act states that revenues can only be used for continuing education, certification, re-certification, and training of local correction's officers and inmate programs, including substance abuse and mental health programs in that county. Expenditure object account categories might consist of the following:

701 Personal Services
801-831 Professional and Contractual Services
860-873 Transportation

The "Local Corrections Officer's Training Fund" must operate only with an adopted budget by the county board of commissioners as required by the Uniform Budgeting and Accounting Act, 1968 PA 2, as amended, (MCL 141.421 et al.) The county board of commissioners as required by MCL 46.11 (g), 46.71, 46.53 and 46.63 must approve all claims (expenditures).

The cash and investments of the fund is subject to the requirements of the Investment of Surplus Funds of Political Subdivisions Act, 1943 PA 20, as amended, (MCL 129.91) and may be included in a pooled cash and investment account. The sheriff should make deposits of collections with the county treasurer at least monthly. Any deposits due to the State of Michigan must be made quarterly by the county treasurer on the form as developed by Department of Treasury with the Michigan Sheriff Association.

If you have any questions, please call (517) 373-3227 or write our office at:

Michigan Department of Treasury
Local Audit and Finance Division
P.O. Box 30728
Lansing, Michigan 48909-8228

3500 (Rev. 1-03)



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

JAY B. RISING
STATE TREASURER

DATE: February 12, 2004
TO: County Treasurers
FROM: Tom Sharpe, Asst Administrator
Receipts Processing Division
SUBJECT: Remittance of Local Corrections Officer Training Fees

The Department of Treasury is currently working to add to the Department's web site a transmittal form for remitting the Local Corrections Officer Training Fees. We had planned on having the remittance form available for the counties on the web site by February 1, 2004.

As of the date of this memo, the form has not yet been added to our web site. In the meantime, attached is a draft copy of the transmittal form we are requesting the counties to use in remitting the Local Corrections Officer Training Fees. Please remember to do the following:

- Payments must be by check. (The Department will not accept ACH payments)
- Checks are to be made payable to "State of Michigan".
- Mail one copy of the transmittal with your check.
- Mail the transmittal and check to: Michigan Department of Treasury
Lansing, MI 48922

If you have any questions regarding remittance of the fees I can be contacted at:
Telephone: 517-636-5379
Email: sharpet@michigan.gov

Michigan Sheriff's Coordinating and Training Council Minutes
December 15, 2005 10:00 am **Ingham County Sheriff's Office**

Present:

Sheriff Gene L. Wriggelsworth – Chair Person
Richard Kaledas, Mecosta Co.
Mark Reminga, Kent Co. DSAM
Keith Forsgren
Wayne Kangas, Clinton Co. Sheriff's Office
Jim Reed, Executive Secretary

Excused:

Sheriff Michael Lovelace
Sheriff Mark A. Hackel

Visitors:

James E. Davis
Tamara McDiarmid, Kent County
Bill Page, MMRMA
John Roberts, Macomb County, Representing Sheriff Hackel

No Public Comment.

Minutes

Mark Reminga made a motion to accept the 9-22-05 minutes as presented, Seconded by Wayne Kangas, motion carried unanimously.

Executive Secretary Report:

Jim Reed reported that the only county not certified is Kalkaska County.
Counties not submitting funds as of Sept. 31, 2005, are Alger, Cheboygan, Isabella, Kalkaska, Otsego, Presque Isle, and Gogebic.
Jim Reed submitted a Financial Update Report and a report on the trainers' seminars which took place in November.

Council Members

The names submitted for Council appointments for 2006 received to date are;

Sheriff Gene L. Wriggelsworth, Ingham County
Sheriff Mark Hackel, Macomb County
Sheriff Wayne Kangas, Clinton County
Capt. Rick Kaledas, Mecosta County
Sheriff Gary Finstrom, Wexford County

Advisory Board Members

The names submitted for Board appointments received to date are;

Sheriff Evans, Wayne County - submitted by MSA
Mike Witkowski, St. Clair County - submitted by DSAM
John Buczek, FOP - submitted by FOP

Lenoard Zolnerick and Nancy Pierson have resigned from the Advisory Board.

Certification of County

Rick Kaledas made a motion to Certify Roscommon, Osceola, Iosco, Isabella, Alger, Otsego, Presque Isle, Iron, Baraga, Keweenaw, Montmorency, and Houghton Counties. Letters are on file. Second by Mark Reminga, motion carried unanimously.

Certification of Instructors

Rick Kaledas made a motion to certify Chad Fisk, Phil Jones, Robert Ott, and John Gregurich as trainers for the local corrections officer academy. Second by Keith Forsgren, motion carried unanimously.

Certification of Academies

Mark Kaledas made a motion to certify the following local corrections officer training academies.
(Documentation on file)

Macomb County

Kirtland Community College (Camp Grayling)

Grand Traverse County

Delta College

Ingham County

Second by Keith Forsgren, motion carried unanimously.

Defensive Tactics Correspondence

Sheriff Stelma, Kent County, requested clarification of whether the lateral vascular neck restraint was a required part of the PPCT defensive tactics training. After discussion, Sheriff Wriggelsworth directed Jim Reed to write a letter for his signature explaining that the LVNR would be a required part of the training. The letter will be sent to Sheriff Stelma.

Mark Reminga made a motion to accept the PPCT defensive tactics as an equivalent to PPCT's Inmate Control module. Gage and Spontaneous Knife Defense will have to be trained in addition to of these disciplines. A letter will be sent to all counties notifying them of this option. Second by Keith Forsgren, motion carried unanimously.

Advisory Board:

Recommends using the hiring standards as approved by the Council as requirements for pre-service attendance at local corrections officer training academies. Rick Kaledas made a motion to accept this recommendation as a standard, Wayne Kangas second, motion carried unanimously.

Recommend to accept the Job Task study done by LCC as a basis for setting standards.
Council tabled.

Recommends the use of local corrections officer training academy modules for the 20 hour in-service training requirement. Jim Reed will send a letter to all counties encouraging their use in this manner.

Grant Request Procedure

To be reviewed by Chairperson Sheriff Wriggelsworth and Jim Reed.

Grant Requests

The grant requests were referred to the grant committee for consideration and recommendation.

General Rules

Discussion followed regarding the fund submission requirement as described in the Local Corrections Officer Training Act of 2003 and the necessity to address that issue. No action taken.

Invoices

Mark Reminga made a motion to approve the submitted invoices, second by Rick Kaledas, motion carried unanimously.

Next Meeting Date

Meeting dates will be *Thursday, January 12th, 2006, 10:00 p.m.* at Ingham County Sheriff's Office and *Thursday, March 23rd, 2006, 10:00 p.m.* at the Ingham County Sheriff's Office

Adjourned

Rick Kaledas made a motion to Adjourn at 11:30 p.m. Second by Mark Reminga, motion carried unanimously.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM

DEPUTY SHERIFFS ASSOCIATION
OF MICHIGAN, a Non-Profit Michigan
Corporation, and LARRY ORLOWSKI,
its Executive Director,

No. 06-349-AW

Hon. James R. Giddings

Plaintiffs,

v

STATE OF MICHIGAN and its SHERIFFS
COORDINATING AND TRAINING COUNCIL,
as created by Act 125 of the Public Acts of 2003,

Defendants.

BY: JAMIL AKHTAR (P-38597)

Akhtar, Webb, & Ebel P.C.

Co-Counsel for Plaintiffs

1721 Crooks Road - Suite 206

Troy, Michigan 48084

(248) 649 - 1000

BY: LAURA A. COOK (P-44718)

Attorney for Defendants

Michigan Attorney General

P. O. Box 30217

Lansing, Michigan 48913

(517) 373 - 4875

BY: MARK A. PORTER (P-42280)

Co-Counsel for Plaintiffs

Alonzi, Porter & Associates PLLC

28 North Saginaw Street - Suite 911

Pontiac, Michigan 48342-2142

(248) 409-1911

ORDER DENYING DEFENDANT'S MOTION FOR SUMMARY DISPOSITION,
ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY DISPOSITION
AND ORDER FOR PERMANENT INJUNCTION

February 7, 2007 ~~January 19, 2007~~ At a hearing held in the court house in Lansing, Michigan, on
with all parties present on the premises and
the Court being fully advised in the matter,

IT IS ORDERED:

1. That the Defendant's Motion for Summary Disposition brought under the provisions of MCR 2.116(C)(10) be and the same are hereby DENIED.
2. It is further ordered that the Defendant's Motion to Dissolve the Preliminary Injunction be and the same are hereby DENIED.
3. It is further ordered that the Plaintiff's Motion for Summary Disposition brought pursuant to MCR 2.116(C)(8) and (10) be and the same are hereby GRANTED.
4. It is further ordered that the Preliminary Injunction entered by the court be and the same is hereby converted to a PERMANENT INJUNCTION pursuant to MCR 2.517, MCR 3.310(A)(5), and (C). Pursuant to said Permanent Injunction the Defendant shall take the following action:
 - a) Until such a time that the Defendants are in compliance with the provisions of MCL 791.545(1), (3), and MCL 801.4b(5), no grant funds shall be released by the Defendants.
 - b) Plaintiffs have demonstrated by way of evidence in support of their argument that irreparable harm will result to the members of Plaintiff's Association if training funds for local corrections officers are disbursed contrary to the provisions of MCL 791.545(3) and MCL 801.4b(5).
 - c) The clear and unambiguous language contained in MCL 791.545(5) and the legislative intent as set forth in the Senate Fiscal Office and House Analysis of Act 124 and Act 125, Public Acts of 2003, as well as the clear and unambiguous language of MCL 801.4b(3), (5) mandates that the Sheriff of each county be required to forward the entire \$12.00 per

prisoner booking fee to the Defendants, in order to qualify for grants that the Defendants have a right to disburse pursuant to MCL 791.545(3).

- d) The court further finds that at the present time, no county qualifies for the disbursement of training funds as otherwise provided for under the provisions of MCL 791.545(3), (5) and MCL 801b(3).
4. The Defendants are PERMANENTLY ENJOINED from disbursing any funds for the training of local correction officers to any county sheriff's department that has not paid to the Defendants the \$12.00 per prisoner booking fee, in total, pursuant to MCL 801.4b(3), and MCL 791.545(3).
5. Pursuant to MCR 2.602(A)(3), this Order resolves the last pending claim in this matter and closes the case.

Dated

D. J. C. F.

JAMES R. GIDDINGS

HON. JAMES R. GIDDINGS (P13960)
CIRCUIT COURT JUDGE

AKHTAR, WEP & EBEL

ATTORNEYS AND COUNSELLORS AT LAW

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

1721 CROOKS ROAD, SUITE 206 • TROY, MICHIGAN 48064

(248) 649-1000 • FAX (248) 649-1010

HENRY WILLIAM SAAD
CHIEF JUDGE
CHRISTOPHER M. MURRAY
CHIEF JUDGE PRO TEM

DAVID H. SAWYER
WILLIAM B. MURPHY
MARK J. CAVANAGH
KATHLEEN JANSEN
E. THOMAS FITZGERALD
HELENE N. WHITE
RICHARD A. BANDSTRA
JOEL P. HOEKSTRA
JANE E. MARKEY
PETER D. O'CONNELL
MICHAEL R. SMOLENSKI
WILLIAM C. WHITBECK
MICHAEL J. TALBOT



State of Michigan
Court of Appeals

Lansing Office

KURTIS T. WILDER
BRIAN K. ZAHRA
PATRICK M. METER
DONALD S. OWENS
KIRSTEN FRANK KELLY
PAT M. DONOFRIO
KAREN FORT HOOD
BILL SCHUETTE
STEPHEN L. BORRELLO
ALTON T. DAVIS
DEBORAH A. SERVITTO
JANE M. BECKERING
ELIZABETH L. GLEICHER
JUDGES

SANDRA SCHULTZ MENGEL
CHIEF CLERK

TO ATTORNEYS OF RECORD:

Enclosed with this letter is the decision and opinion in the entitled matter. Under MCR 7.215(E), this opinion is the judgment of the Court of Appeals. The official date of the filing of this opinion is the date that is printed on it, and all time periods for further action under the rules will run from that date. See MCR 7.215(F) and (I), and MCR 7.302(C)(2)(b).

If the words *For Publication* appear on the face of this opinion, it will be published in the Michigan Appeals Reports. If the word *Unpublished* appears on the face of this opinion, it was not slated for publication at the time it was released. See MCR 7.215(A).

Although an opinion that is to be published is official as of the date that is printed on it, actual publication will be delayed until editorial work is completed in the Reporter's Office. This editorial work may result in slight changes in style or in citations when the opinion is published in the Michigan Appeals Reports.

I hereby certify that the annexed is a true and correct copy of the opinion filed in the record of the Court of Appeals in the entitled matter and that the date printed thereon is the actual date of filing.

Very truly yours,

Sandra Schultz Mengel
Chief Clerk

SSM/las

Encl.

cc: Trial Judge or Agency

DETROIT OFFICE
CADILLAC PLACE
3020 W. GRAND BLVD. SUITE 14-300
DETROIT, MICHIGAN 48202-6020
(313) 972-5678

TROY OFFICE
COLUMBIA CENTER
201 W. BIG BEAVER RD. SUITE 800
TROY, MICHIGAN 48064-4127
(248) 524-8700

GRAND RAPIDS OFFICE
STATE OF MICHIGAN OFFICE BUILDING
350 OTTAWA, N.W.
GRAND RAPIDS, MICHIGAN 49503-2349
(616) 458-1167

LANSING OFFICE
925 W. OTTAWA ST.
P.O. BOX 30022
LANSING, MICHIGAN 48908-7522
(517) 373-0786

STATE OF MICHIGAN
COURT OF APPEALS

DEPUTY SHERIFF'S ASSOCIATION OF
MICHIGAN and LARRY ORLOWSKI,

UNPUBLISHED
July 15, 2008

Plaintiffs-Appellees,

v

STATE OF MICHIGAN and SHERIFFS
COORDINATING AND TRAINING COUNCIL,

No. 276453
Ingham Circuit Court
LC No. 06-000349-AW

Defendants-Appellants.

Before: Sawyer, P.J., and Jansen and Hoekstra, JJ.

PER CURIAM.

Defendants State of Michigan and the Sheriffs Coordinating and Training Council appeal as of right the trial court's order granting summary disposition in favor of plaintiffs Deputy Sheriff's Association of Michigan and Larry Orlowski under MCR 2.116(C)(10).¹ Because the language of MCL 791.545 and MCL 801.4b plainly states that only uncertified counties that remit the entire \$12 booking fee are entitled to receive grants, we affirm.

This case involves the interpretation of the Local Corrections Officers Training Act, MCL 791.531 *et seq.* Defendants argue that counties whose training programs have been certified and who lawfully remit only \$2 of the \$12 booking fee collected from each incarcerated person are eligible to receive training grants from defendant Sheriffs Coordinating and Training Council. Plaintiffs argue that, under the plain language of the act, only counties that remit the entire \$12 booking fee are eligible to receive grants. The trial court agreed with plaintiffs.

A trial court's grant of summary disposition is reviewed de novo, on the entire record, to determine whether the prevailing party was entitled to judgment as a matter of law.² *Maiden v*

¹ Although the trial court's order states that summary disposition was granted under both MCR 2.116(C)(8) and (C)(10), the trial court stated on the record that it was granting summary disposition only under MCR 2.116(C)(10).

² The parties agree that there are no genuine issues of material fact and that the question presented is solely one of law.

Rozwood, 461 Mich 109, 118; 597 NW2d 817 (1999). Questions of statutory interpretation are also reviewed de novo. *Heinz v Chicago Rd Investment Co*, 216 Mich App 289, 295; 549 NW2d 47 (1996).

The fundamental rule of statutory construction is to give effect to the intent of the Legislature. *Apsey v Mem Hosp*, 477 Mich 120, 127; 730 NW2d 695 (2007). If the language of a statute is clear and unambiguous, the Legislature is presumed to have intended the meaning clearly expressed, and the statute must be enforced as written. *Shinholster v Annapolis Hosp*, 471 Mich 540, 549; 685 NW2d 275 (2004); *American Federation of State, Co & Muni Employees v Detroit*, 468 Mich 388, 399; 662 NW2d 695 (2003). Judicial construction of an unambiguous statute is unnecessary and, therefore, precluded. *Lorencz v Ford Motor Co*, 439 Mich 370, 376; 483 NW2d 844 (1992). Whenever possible, every word should be given meaning, and no word should be treated as surplusage or rendered nugatory. *Apsey*, *supra* at 127. Moreover, nothing may be read into a statute that is not within the Legislature's intent as derived from the language of the statute. *AFSCME*, *supra* at 400. Courts may not inquire into the wisdom of legislative policy choices, and arguments that a statute is unwise or results in bad policy must be addressed to the Legislature. *Elezovic v Ford Motor Co*, 472 Mich 408, 425; 697 NW2d 851 (2005); *Oakland Co Bd of Co Rd Comm'rs v Michigan Prop & Cas Guaranty Ass'n*, 456 Mich 590, 613; 575 NW2d 751 (1998).

MCL 801.4b (§ 4b) provides:

(1) Beginning August 1, 2003, each person who is incarcerated in the county jail shall pay a fee of \$12.00 to the county sheriff when the person is admitted into the jail.

(2) The county sheriff may *collect a fee* owed under this section by withdrawing that amount from any inmate account maintained by the sheriff for that inmate.

(3) Except as provided in subsections (4) and (5), the sheriff, once each calendar quarter, *shall forward all fees collected* under this section to the local corrections officers training fund created in the local corrections officers training act.

(4) *The revenue derived from fees collected under this section shall be directed in the manner provided in subsection (5)* in a county for which the sheriffs coordinating and training council has certified that the county's standards and requirements for the training of local corrections officers equals or exceeds the standards and requirements approved by the sheriffs coordinating and training council under the local corrections officers training act.

(5) In a county that meets the criteria in subsection (4), both of the following apply:

(a) Once each calendar quarter, *the sheriff shall forward \$2.00 of each fee collected* to the state treasurer for deposit in the local corrections officers training fund created in the local corrections officers training act.

(b) *The remaining \$10.00 of each fee shall be retained in that county, to be used only for costs relating to the continuing education, certification, recertification, and training of local corrections officers and inmate programs including substance abuse and mental health programs in that county. However, revenue from the fees shall not be used to supplant current spending by the county for continuing education, certification, recertification, and training of local corrections officers.* [Emphasis added.]

Sections 4b(4) and (5) both use the word "shall" to describe how the \$12 fee is to be distributed by a certified county. The word "shall" denotes mandatory action. *Costa v Community Emergency Medical Services, Inc*, 475 Mich 403, 409; 716 NW2d 236 (2006). Therefore, the plain language of § 4b requires certified counties to remit \$2, and to keep \$10, of the \$12 fee.

Section 4b(3) requires uncertified counties to remit "all fees collected." Section 4b(4) requires that certified counties apportion the fees collected as mandated by § 4b(5): certified counties shall remit \$2 and keep \$10 of "each fee collected." Thus, it is evident that in subsections (3) through (5) of § 4b, all references to "fee[s] collected" refer to the entire \$12 booking fee. By contrast, § 4b(4) refers to "revenue derived from fees collected" when describing how certified counties are to allocate the \$12 fee. Thus, the Legislature made a clear distinction between *fees collected*, meaning the entire \$12 fee, and the *revenue* derived from such fees.

Section 15 of the Local Corrections Officers Training Act, MCL 791.545 (§ 15), a related provision regulating county jails, provides:

(1) The local corrections officers training fund is created in the state treasury. The fund shall be administered by the council, which shall expend the fund only as provided in this section.

(2) There shall be credited to the local corrections officer training fund *all revenue received from fees and civil fines collected under section 4b of 1846 RS 171, MCL 801.4b, and funds from any other source provided by law.*

(3) The council shall use the fund only to defray the costs of continuing education, certification, recertification, decertification, and training of local corrections officers; the personnel and administrative costs of the office, board, and council; and other expenditures related to the requirements of this act. *Only counties that forward to the fund 100% of fees collected under section 4b of 1846 RS 171, MCL 801.4b, are eligible to receive grants from the fund.* A county that receives funds from the council under this section shall use those funds only for costs relating to the continuing education, certification, recertification, and training of local corrections officers in that county and shall not use those funds to supplant current spending by the county for those purposes, including state grants and training funds. [Emphasis added.]

Section 15(2) mandates that "all *revenue* received from *fees* . . . *collected* under section 4b" be credited to the training fund. Section 15(3) states that only counties that remit "100% of

fees collected under section 4b" are eligible to receive grants. As indicated previously, in subsections (3) through (5) of § 4b, references to "fees collected" refer to the entire \$12 fee, while in § 4b(4), the reference to "revenue derived from fees collected" describes how certified counties are to allocate the \$12 fee. Because § 4b and § 15 were enacted together and made conditional on each other, see 2003 PA 124, 125, the words used in both statutes should be given the same meaning. See *McNeil v Charlevoix Co*, 275 Mich App 686, 701, 741 NW2d 27 (2007) ("It is well-settled that statutes that relate to the same subject or share a common purpose are *in pari materia* and must be read together as one law"). Thus, we conclude that consistent with § 4b, the reference to "fees collected" in § 15(3) means the entire \$12 fee, and the reference to "all revenue received" in § 15(2) means the portion of the fee that is remitted to the fund by the various counties. Accordingly, the trial court correctly determined that, as used in § 15(3), "fees collected" refers to the entire \$12 fee. By permanently enjoining defendants from distributing grants to counties that have not remitted the entire \$12 fee, the trial court enforced § 15(3) as written.

Plaintiffs argued below that certified counties that choose to remit the entire \$12 fee rather than only \$2 are eligible for grants. However, there is no language in either statute giving certified counties a *choice* whether to remit the entire \$12 fee or apportion it under § 4b(5). Rather, the plain language of § 4b(4) states that certified counties "shall" comply with § 4b(5), which provides that certified counties "shall" keep \$10 of the \$12 fee collected and "shall" forward only \$2. Because these provisions are mandatory, *Costa, supra*, certified counties do not have a choice to become eligible for grants by remitting the entire \$12 fee.

The parties apparently agree that all the counties with local jails have been certified by defendants.³ Thus, there are no counties that, under § 4b(3), are required to remit the entire \$12 fee, and, consequently, there are no counties eligible for grants under § 15(3). The trial court speculated, as do we, that this was an unintended result. The Legislature most likely expected that there would be uncertified counties that would be required to remit the entire fee and which would need grants in order to meet the newly-created certification standards. Nonetheless, because the language of § 4b and § 15 is clear and unambiguous, the language must be enforced as written. *Shinholster, supra*. Thus, until either section is amended or counties are decertified and begin remitting the entire \$12 fee, the money collected by defendants cannot be distributed as grants. Whether the plain language of these statutes results in bad policy or brings about an unintended or unfair outcome are arguments for the Legislature to address, not the courts. *Elezovic, supra*; *Oakland Co Bd of Co Rd Comm'rs, supra*.

Affirmed.

/s/ David H. Sawyer
/s/ Kathleen Jansen
/s/ Joel P. Hoekstra

³ While plaintiffs asserted at the motion hearing that the certification procedure used by defendants was improper, that issue was not raised in the motions below, nor is it raised in the briefs on appeal.

Local Corrections Officer Certification and In-Service Training Summary

Report Date: March 22, 2007

County	Number of Officers on Roster	% Grandfathered or Completed Academy	% Completed 2005 In-Service Requirements	% Completed 2006 In-Service Requirements
Alcona	10	80	66.7	100
Alger	20	100	0	5
Allegan	34	100	93.3	100
Alpena	21	100	14.3	38.1
Antrim	14	100	0	92.9
Arenac	20	85	0	15
Baraga	11	100	0	0
Barry	14	100	100	100
Bay	42	100	12.8	100
Benzie	36	100	100	100
Berrien	145	98.6	0.7	6.9
Branch	52	98.1	40	42
Calhoun	152	98.7	46.7	28.7
Cass	16	93.8	6.7	100
Charlevoix	17	100	5.9	0
Cheboygan	18	100	88.2	94.1
Chippewa	37	100	0	64.9
Clare	38	100	13.5	5.4
Clinton	28	100	89.3	100
Crawford	10	100	0	10
Delta	16	93.8	83.3	64.3
Dickinson	44	93.2	4.5	34.1
Eaton	39	100	100	100
Emmet	18	100	61.1	83.3
Genesee	218	100	0.9	3.7
Gladwin	40	97.5	5	5
Gogebic	20	100	0	0
Grand Traverse	43	100	89.5	100
Gratiot	17	100	0	0
Hillsdale	16	100	0	75
Houghton	33	93.9	0	18.2
Huron	15	80	33.3	60
Ingham	185	100	90.1	95.4
Ionia	31	100	96.3	100
Iosco	14	100	22.2	10
Iron	19	100	0	0
Isabella	30	90	3.3	76.7
Jackson	55	98.2	0	7.4
Kalamazoo	184	94	0.5	67.4
Kalkaska	37	94.6	0	5.4
Kent	294	99.7	88.9	92.9
Keweenaw	8	100	0	0

Local Corrections Officer Certification and In-Service Training Summary
Report Date: March 22, 2007

County	Number of Officers on Roster	% Grandfathered or Completed Academy	% Completed 2005 In-Service Requirements	% Completed 2006 In-Service Requirements
Lake	45	95.6	8.9	0
Lapeer	31	100	90	93.3
Leelanau	18	94.4	88.9	100
Lenawee	27	100	3.7	100
Livingston	69	100	2.9	25
Luce	No Jail			
Mackinac	12	100	16.7	0
Macomb	426	97.4	99.3	99.3
Manistee	12	83.3	0	75
Marquette	43	97.7	4.7	9.3
Mason	21	100	85.7	4.8
Mecosta	25	96	100	100
Menominee	20	95	25	21.1
Midland	54	100	0	44.4
Missaukee	9	100	11.1	33.3
Monroe	75	97.3	91.7	100
Montcalm	27	100	84	100
Montmorency	11	100	0	9.1
Muskegon	58	98.3	43.1	69
Newaygo	32	100	17.2	100
Oakland	789	96.3	1.1	1.1
Oceana	13	100	0	100
Ogemaw	39	100	10.3	0
Ontonagon	11	100	100	100
Osceola	19	100	94.4	100
Oscoda	No Jail			
Otsego	12	100	0	0
Ottawa	76	97.4	67.1	61.1
Presque Isle	7	100	0	0
Roscommon	50	100	2	2
Saginaw	70	100	31.1	100
Saint Clair	89	100	50.6	21
Saint Joseph	29	93.1	96.2	100
Sanilac	25	100	48	36
Schoolcraft	17	100	0	0
Shiawassee	56	98.2	7.3	1.8
Tuscola	21	100	4.8	0
Van Buren	42	92.9	2.4	9.5
Washtenaw	88	94.3	80.8	96.5
Wayne	1229	95.1	0.1	100
Wexford	12	100	91.7	100

In-Service Training Summary*

2008

Total number of counties with jails 81
Total number of counties reporting..... 80 (98.7%)
Number of counties reporting 100% 53 (65.4%)
Number of counties at 95% - 99.9%..... 5 (6.2%)
Number of counties at 90% - 94.9%..... 10 (12.3%)

2007

Total number of counties with Jails 81
Total number of counties reporting..... 70 (86.4%)
Number of counties reporting 100% 34 (42.0%)
Number of counties at 95% - 99.9%..... 8 (9.9%)
Number of counties at 90% - 94.9%..... 2 (2.5%)

***Distributed at Council Meeting, May 8, 2009**

Local Corrections Officer Certification and In-Service Training Summary
Report Date: May 16, 2008

County	Number of Officers on Roster	% Grandfathered or Completed Academy	% Completed 2007 In-Service Requirements
Alcona	9	88.9	100
Alger	16	100	0
Allegan	35	100	100
Alpena	15	100	69.2
Antrim	13	92.3	100
Arenac	12	88.9	100
Baraga	11	100	0
Barry	19	100	86.7
Bay	41	100	100
Benzie	33	100	100
Berrien	134	100	7.5
Branch	48	100	47.9
Calhoun	147	98.6	100
Cass	21	100	100
Charlevoix	17	88.2	100
Cheboygan	18	100	100
Chippewa	35	100	97.1
Clare	27	100	8
Clinton	28	100	100
Crawford	10	100	10
Delta	15	100	100
Dickinson	16	83.3	40
Eaton	48	100	100
Emmet	18	100	50
Genesee	232	99.6	8.2
Gladwin	21	100	52.6
Gogebic	19	100	0
Grand Traverse	43	100	100
Gratiot	14	100	100
Hillsdale	18	100	88.2
Houghton	31	90.3	3.2
Huron	14	100	100
Ingham	182	100	95
Ionia	29	100	100
Iosco	11	100	90.9
Iron	9	100	100
Isabella	25	95.5	100
Jackson	53	98.1	100
Kalamazoo	1	98.8	98.8
Kalkaska	33	100	3.1
Kent	270	100	100
Keweenaw	9	100	0

Local Corrections Officer Certification and In-Service Training Summary
Report Date: May 16, 2008

County	Number of Officers on Roster	% Grandfathered or Completed Academy	% Completed 2007 In-Service Requirements
Lake	51	100	63.8
Lapeer	31	100	100
Leelanau	18	100	100
Lenawee	30	100	4.2
Livingston	44	100	93.2
Luce	No Jail		
Mackinac	12	100	81.8
Macomb	426	97.5	73.6
Manistee	13	100	15.4
Marquette	31	87.5	6.5
Mason	16	100	100
Mecosta	26	100	96
Menominee	21	94.7	33.3
Midland	20	100	100
Missaukee	9	100	100
Monroe	76	100	100
Montcalm	26	100	100
Montmorency	11	100	0
Muskegon	58	100	63.8
Newaygo	33	100	100
Oakland	781	99.2	99.7
Oceana	12	100	75
Ogemaw	13	100	100
Ontonagon	11	100	100
Osceola	19	100	100
Oscoda	No Jail		
Otsego	12	100	0
Ottawa	77	100	87.5
Presque Isle	5	100	0
Roscommon	41	100	89.7
Saginaw	68	100	98.5
Saint Clair	89	100	46.5
Saint Joseph	27	100	100
Sanilac	22	100	100
Schoolcraft	12	100	0
Shiawassee	48	100	37
Tuscola	24	100	63.6
Van Buren	22	100	89.5
Washtenaw	94	98.8	98.9
Wayne	1336	95.7	47.8
Wexford	12	100	88.9

2009 Local Corrections Officer Certification and In-Service Training Summary

March 4, 2010

County Name	Number of Officers on Roster	% Grandfathered or Completed Academy	% Completed 2009 In-Service Requirements	Date on Report of Training
ALCONA	11	88.9	100	12/14/09
ALGER	23	94.1	0	
ALLEGAN	36	100	100	11/13/09
ALPENA	11	100	100	12/29/09
ANTRIM	14	100	100	1/20/10
ARENAC	12	100	100	1/5/10
BARAGA	11	100	0	3/4/10
BARRY	17	100	100	2/3/10
BAY	40	100	100	1/21/10
BENZIE	29	100	100	1/29/10
BERRIEN	126	100	100	1/4/10
BRANCH	22	100	100	1/11/10
CALHOUN	144	98.6	100	1/26/10
CASS	23	100	100	12/05/09
CHARLEVOIX	18	100	100	12/17/09
CHEBOYGAN	18	100	100	1/5/10
CHIPPEWA	16	100	100	1/14/10
CLARE	27	100	100	11/13/09
CLINTON	28	100	100	12/14/09
CRAWFORD	11	100	40.0	7/30/09
DELTA	17	100	100	10/13/09
DICKINSON	17	90	100	11/6/09
EATON	46	100	100	3/2/10
EMMET	18	100	100	12/2/09
GENESEE	142	97.1	8.1	2/25/10
GLADWIN	16	100	100	11/27/09
GOGEBIC	20	100	95.0	2/22/10
GRAND TRAVERSE	44	100	100	11/23/09
GRATIOT	14	100	100	1/6/10
HILLSDALE	15	100	100	1/19/10
HOUGHTON	13	100	100	1/4/10
HURON	17	100	100	1/8/10
INGHAM	93	100	100	1/11/10
IONIA	30	100	100	1/4/10
IOSCO	13	92.3	100	1/1/10
IRON	12	100	81.8	1/29/10
ISABELLA	23	100	100	4/12/10

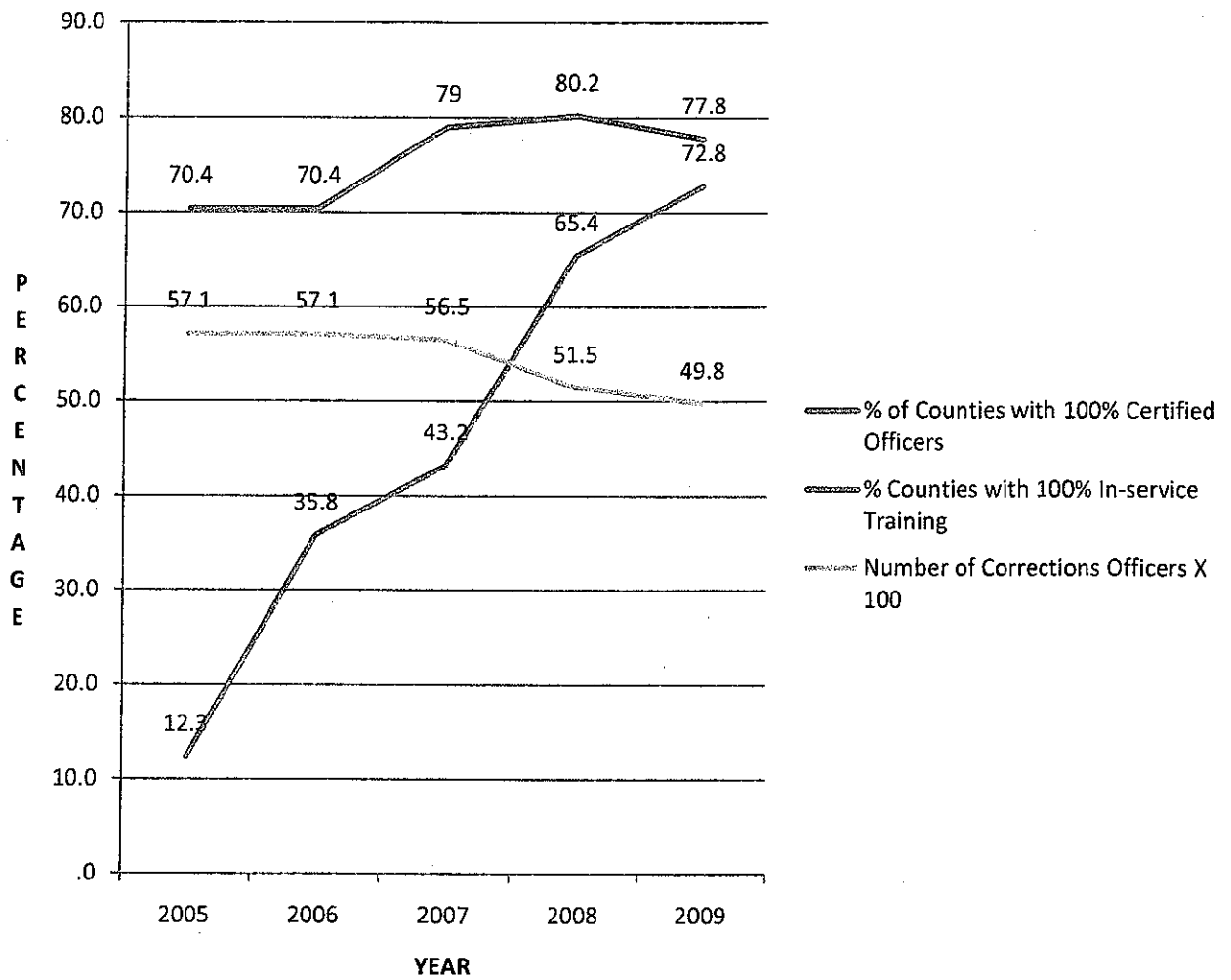
2009 Local Corrections Officer Certification and In-Service Training Summary

County Name	Number of Officers on Roster	% Grandfathered or Completed Academy	% Completed 2009 In-Service Requirements	Date on Report of Training
JACKSON	55	100	98.2	1/22/10
KALAMAZOO	160	100	97.5	1/25/10
KALKASKA	13	90.0	50.0	1/28/10
KENT	269	100	100	2/2/10
KEWEENAW	6	100	100	12/14/09
LAKE	56	65.2	80.8	12/21/09
LAPEER	30	100	100	12/14/09
LEELANAU	20	100	100	1/7/10
LENAWEE	35	100	33.3	4/14/10
LIVINGSTON	41	97.7	97.5	1/6/10
LUCE				
MACKINAC	11	100	100	3/5/10
MACOMB	425	95.4	90.4	2/24/10
MANISTEE	12	100	100	3/8/10
MARQUETTE	41	100	100	1/21/10
MASON	22	100	94.1	1/7/10
MECOSTA	25	100	100	12/21/09
MENOMINEE	19	100	100	1/5/10
MIDLAND	30	85.0	100	3/2/10
MISSAUKEE	9	100	100	12/31/09
MONROE	70	100	100	1/21/10
MONTCALM	27	100	100	12/15/09
MONTMORENCY	8	100	100	11/23/09
MUSKEGON	51	100	100	12/1/09
NEWAYGO	33	100	100	1/19/10
OAKLAND	747	99.5	95.7	4/14/10
OCEANA	12	100	100	12/14/09
OGEMAW	14	100	100	12/30/09
ONTONAGON	11	100	100	1/25/10
OSCEOLA	19	100	100	12/23/09
OSCODA				
OTSEGO	11	90.0	20.0	10/28/09
OTTAWA	80	100	100	1/5/10
PRESQUE ISLE	6	100	0	
ROSCOMMON	37	100	94.4	2/10/10
SAGINAW	65	100	100	2/2/10
ST. CLAIR	98	100	100	11/25/09

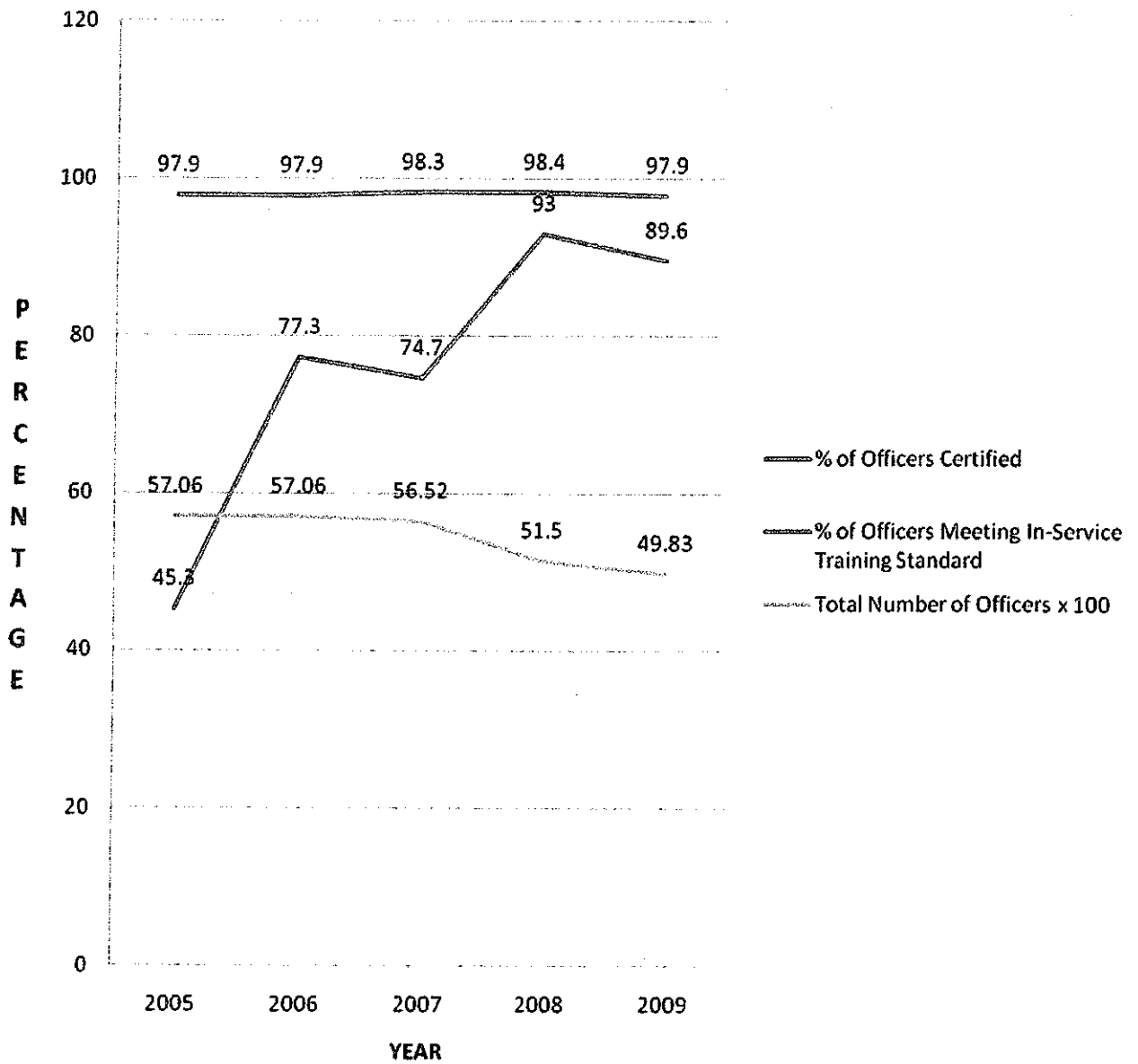
2009 Local Corrections Officer Certification and In-Service Training Summary

County Name		Number of Officers on Roster	% Grandfathered or Completed Academy	% Completed 2009 In-Service Requirements	Date on Report of Training
	ST. JOSEPH	27	100	96.3	1/6/10
	SANILAC	22	100	100	10/29/09
	SCHOOLCRAFT	13	100	61.5	1/31/10
	SHIAWASSEE	21	100	100	12/28/09
	TUSCOLA	23	100	100	12/31/09
	VAN BUREN	28	100	100	12/15/09
	WASHTENAW	95	94.6	100	1/26/10
	WAYNE	986	95.9	78.5	4/14/10
	WEXFORD	13	92.3	92.3	2/22/10

Local Corrections Officers 2010 Report



Local Corrections Officers 2010 Report



*Rec'd 1-23-09 - Passed
out by Jim Reed @
SCTC Meeting*

MICHIGAN SHERIFFS' COORDINATING and TRAINING COUNCIL
Adopted May 26, 2005

PROCEDURES

Definitions

P1. As used in these procedures:

- (a) "Act" means Act 125 of the Public Acts of 2003 which shall be known as the "local corrections officer training act".
- (b) "Board" means the local corrections officers advisory board created in Sec. 9 of the local corrections officer training act.
- (c) "Booking fee" means the fee of \$12.00 paid by each person incarcerated in a county jail upon admission in accordance with Sec. 4b of 1846 RS 171, MCL 801.4b.
- (d) "Certification" means the satisfactory completion of all standards and requirements established by the Council.
- (e) "Council" means the sheriffs' coordinating and training council described in Sec. 4 of the local corrections officer training act.
- (f) "Decertification" means the failure to satisfactorily comply with all standards and requirements established by the Council.
- (g) "Local correctional facility" means county jail, work camp, or any other facility maintained by a county that houses adult prisoners.
- (h) "Local corrections officer" means any person employed by a county sheriff in as a local correctional facility as a corrections officer or that person's supervisor or administrator.
- (i) "Local corrections officer academy" means the standard training curriculum approved by the Council for local corrections officers or an equivalent training program approved by the Council.
- (j) "Office" means the sheriffs' coordinating and training council as created in Sec. 3 of the local corrections officer training act.
- (k) "Recertification" means the successful completion of all standards and requirements, on an annual basis, as established by the Council.

P2 The Council has adopted Roberts Rules of Order for conducting its meetings.

P3 The Council has established that a quorum exists when four (4) members are present at a meeting and when at least one (1) of those members is either the chair person or vice-chair person.

P4 The Council will consider requests from members for an alternate to act in their place at Council Meetings on an individual basis. A letter requesting this action must be received by the chair person prior to the meeting(s) for which the request is being made. If approved, the alternate will have "voice and vote" during the meeting(s).

P 5 The Council has established all of the following hiring standards for an applicant for a local corrections officer position:

- | | | | |
|-----|----------------------|---|-----------------|
| (a) | Age | Not less than 18 years. | No maximum age. |
| (b) | Citizenship | United States Citizenship | |
| (c) | Education | High school diploma or equivalency. | |
| (d) | Driver's License | Possess a valid operator's license. | |
| (e) | Oral Interview | Conduct an oral interview to determine the applicant's acceptability for a corrections officer position. | |
| (f) | Criminal Convictions | No prior felony convictions. | |
| (g) | Good Moral Character | Possess good moral character as determined by a favorable, comprehensive background investigation covering school and employment records, home environment, and personal traits and integrity. Consideration will be given to all criminal and civil law violations as indicating a lack of good character. | |
| (h) | Fingerprinting | Fingerprint the applicant with a search of state and federal fingerprint files to disclose criminal record. | |
| (i) | Drug Testing | Cause the applicant to be tested for the use of illegal controlled substances. the testing will be completed after a conditional offer of employment. (ADA Requirement). | |

P 6 The Council has established ALL of the following requirements for certification.

- (a) A high school diploma or equivalent.
- (b) Satisfactory completion of the Local Corrections Officer Academy within 12 months of the local corrections officer date of hire.

P 7 The Council has established the following requirements for recertification.

- (a) Satisfactory completion of 20 hours of in-service training on an annual basis. The training must have a direct relationship to the local corrections officer's job responsibilities.
- (b) The correction officer must be presently employed by a county sheriff's office.
- (c) In cases where the correction officer has been placed on active duty to serve in the armed forces, or is on extended medical leave, the annual recertification requirement shall be waived for that period of time.

P 8 The Council has established the following conditions for decertification.

Note: These will be added when approved by the Council.

P 9 A county that request certification or recertification of a local correctional officer shall notify the Council of any officer who has satisfied all established standards and requirements for certification or recertification and of any officer who has not satisfied all established standards and requirements for certification or recertification.

P 10 The Council has established that the first \$2.00 of the booking fee will be forwarded to the local corrections officer training fund in accordance with Sec. 5a of 1846 RS 171, MCL 801.5a.

P 11 The Council has established that all or any portion of the civil fine collected in accordance with Sec. 4b (7) of 1846 RS 171, MCL 8901.4b that is returned to the county shall be placed in the booking fee account and utilized in accordance with PA 125 of 2003.

P 12 The Council has established that the criteria for a county to be certified in accordance with Sec. 4b(4) of 1846 RS 171, MCL 801.4b(4) is a letter from the Sheriff of the County stating that the Sheriff's office standards and requirements for the training of local corrections officers will meet or exceed the training standards for local corrections officers as established by the Michigan Sheriffs' Coordinating and Training Council in accordance with PA 125 of 2003.

P 13 It will be the responsibility of the sheriff to determine if corrections training programs and inmate programs meet the standards of the act (Sec. 5b of 1846 RS 171, MCL 801.5b) when utilizing inmate booking fees. The exception to this rule will be formally convened correctional training academies where variances from the council standard will have to be approved prior to the running of the academy.

P 14 The Council has established that the request for the booking fee refund will be made to the facility that booked the inmate on the charge involved. The facility will determine if the refund is appropriate (Sec. 7 of 1846 RS 171, MCL 801.7), and if it is appropriate refund the booking fee paid to the person requesting refund of that fee. The refund amount can be deducted from the amount submitted to the local corrections officer training fund at the time of the next report.

Deb Marculis

From: Jim Reed [jreed@MichiganSheriff.com]
Sent: Wednesday, June 01, 2005 8:22 AM
To: Deb Marculis
Subject: RE: Local Corrections Officers Training Act

Deb:

If the officer who was being trained was a corrections officer or supervisor of corrections officers and the training was directly related to his/her job responsibilities, then I believe the payment of salary(ies) for backfilling is a legitimate use of the training funds. The exception to this would be if there were funds already earmarked for that purpose. The bottom line, however, is that the Council has given the final responsibility of that decision process to the Sheriff not the Finance Director.

Jim

-----Original Message-----

From: Deb Marculis [mailto:DMarculis@ALLEGANCOUNTY.ORG]
Sent: Tuesday, May 31, 2005 2:34 PM
To: Jim Reed
Subject: Local Corrections Officers Training Act

Jim,

I submitted with our last payroll with an officer's overtime charged to the Booking Fee Fund as he was working to cover for another officer who was away at training.

The Finance Director stated that he did not feel that that was acceptable under the Act. It was my understanding that that was acceptable. Can you give me your opinion.? Thanks.

Lt. Deborah K. Marculis
Jail Administrator
Allegan County Sheriffs' Ofc.
112 Walnut Street
Allegan, MI 49010
269.673.0458
269/686.9517 fax
dmarculis@allegancounty.org

DISCLAIMER: This email and any attached documents may contain confidential information, belonging to the sender, that is legally privileged. This information is intended only for the use of the individual or entity named above. The authorized recipient of this information is prohibited from disclosing this information to any other party and is required to destroy the information after its initial need has been fulfilled.

If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or action taken in reliance on the contents of these documents is strictly prohibited. If you have received this email in error, please notify the sender

Good afternoon, Howard.

RESPONSE
↓

I will comply with your request to have your names removed from the corrections officer roster as the Council has left that determination to each sheriff. I feel I must remind you, however, that the definition of a correction officer in the Local Corrections Training Act of 2003 is as follows:

LOCAL CORRECTIONS OFFICERS TRAINING ACT (EXCERPT)
Act 125 of 2003

791.532 Definitions.

Sec. 2.

As used in this act:

(e) "Local corrections officer" means any person employed by a county sheriff in a local correctional facility as a corrections officer or that person's supervisor or administrator.

The Council has formally excluded only the Sheriff and Undersheriff.

Jim

-----Original Message-----

From: Howard Tanner [mailto:HTanner@co.jackson.mi.us]
Sent: Thursday, January 03, 2008 1:14 PM
To: Jim Reed
Cc: Carl Carmoney
Subject: Jackson County Training for FY 2007

Jim,

Short of a video training event for December, here is our training file for FY 2007. Please update our roster accordingly.

Also, we received your letter dated January 2, 2008 and you still have Carl Carmoney (C781) and I (C5342) listed on your roster as corrections officers. Pursuant to our e-mail correspondence from late in 2007, Carl and I are command officers and carry "exempt employee" status under the Fair Labor Standards Act. We are prohibited by Federal Employment Law from doing the Corrections Officer's job and therefore, do not participate in their training. Please remove us from the mandated corrections officer training roster. Having us on that roster brings our total training percentage down to 98.1%...not a fair representation of our in-service training here in Jackson County.

Thanks,

Howard

Lt. Howard F. Tanner II, MPA
Jackson County Sheriff's Office
212 West Wesley Street

Jim Reed

From: Howard Tanner [HTanner@co.jackson.mi.us]
Sent: Thursday, January 03, 2008 1:14 PM
To: Jim Reed
Cc: Carl Carmoney
Subject: Jackson County Training for FY 2007



Training File
2007.xls (45 KB)...

Jim,

*Posted
1/7/08
J*

Short of a video training event for December, here is our training file for FY 2007. Please update our roster accordingly.

Also, we received your letter dated January 2, 2008 and you still have Carl Carmoney (C781) and I (C5342) listed on your roster as corrections officers. Pursuant to our e-mail correspondence from late in 2007, Carl and I are command officers and carry "exempt employee" status under the Fair Labor Standards Act. We are prohibited by Federal Employment Law from doing the Corrections Officer's job and therefore, do not participate in their training. Please remove us from the mandated corrections officer training roster. Having us on that roster brings our total training percentage down to 98.1%...not a fair representation of our in-service training here in Jackson County.

Thanks,

Howard

Lt. Howard F. Tanner II, MPA
Jackson County Sheriff's Office
212 West Wesley Street
Jackson, Michigan
49201
517-768-7913